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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD OBLETER
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, December 26, 2001and January 2, 2002. The next Police Commission Regular Meeting will be on **Wednesday, January 9, 2002**, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

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The Police Commission

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LT EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 9, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant Gene Powers, Planning (File No. JWA C01-386)
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Mark William Stull, Support Services (File No. JWA C01-032)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
   b. Election of Officers
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Presentation of OCC Statistical Report: April, May, June, 2nd Quarter, 2001; July, August, September, 3rd Quarter, 2001
9. Discussion and Action re: Withdrawal of Disciplinary Charges filed against Officer Ivan Chavez, Richmond (File No. JWA C98-204), to be remanded to the Chief of Police for Disposition
10. Discussion and Action re: Withdrawal of Disciplinary Charges filed against Officer James Jones, Muni (File No. JWA C98-205), to be remanded to the Chief of Police for Disposition
11. Request of the Chief of Police for Approval to Apply for, Accept Retroactively, and Expend Funds from the California State Controller's Office to Implement the California Law Enforcement Equipment Program (CLEEP) FY2001-02

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 9, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

12. Request of the Chief of Police for Approval to Apply for, Accept Retroactively, and Expend Funds from the California State Controller's Office to Implement the California Law Enforcement Equipment Program (CLEEP) FY2000-01

13. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE COMMISSION
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For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:37 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 1-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT GENE POWERS, PLANNING (FILE NO. JWA C01-386)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Sergeant Gene Powers, Star No. 588, Planning, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Gene Powers; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Gene Powers, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 2-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MARK WILLIAM STULL, SUPPORT SERVICES (FILE NO. JWA C01-032)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Mark William Stull, Star No. 1033, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Mark William Stull; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Mark William Stull, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

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POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that next week's Commission Meeting will be held at Northern Police Station, 1/16/02.

b. Election of Officers

RESOLUTION NO. 3-02

ELECTION OF OFFICERS FOR THE POLICE COMMISSION

RESOLVED, that, the Police Commission elected Commissioner Sidney Chan as President of the Police Commission and Commissioner Connie Perry as Vice President.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders addressed the Commission and reported on the signing of the memorandum of understanding with the Mayor's office, the Police Department, and the African-American community.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

and

PRESENTATION OF OCC STATISTICAL REPORT: APRIL, MAY, JUNE, 2ND QUARTER, 2001; JULY, AUGUST, SEPTEMBER, 3RD QUARTER 2001

Acting OCC Director Jean Field combined items No. 7 and 9 amd gave a short report on OCC cases received and disposed of during the 2nd and 3rd quarter 2001.

DISCUSSION AND ACTION RE: WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER IVAN CHAVEZ, RICHMOND (FILE NO. JWA C98-204), TO BE REMANDED TO THE CHIEF OF POLICE FOR DISPOSITION

and

DISCUSSION AND ACTION RE: WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES JONES, MUNI (FILE NO. JWA C98-205), TO BE REMANDED TO THE CHIEF OF POLICE FOR DISPOSITION

Both items were combined. Attorney Jerry Akins, MCD, and Attorney Katherine Mahoney, POA, addressed the Commission. Mr. Akins informed the Commission that the victim and the two witnesses could not be located. Therefore, the Department requests that the cases be remanded to the Chief's office for disposition. Motion by Commission Perry, second by Commissioner Friday.

RESOLUTION NO. 4-02

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER IVAN CHAVEZ, RICHMOND (FILE NO. JWA C98-204)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Officer Ivan Chavez, Star No. 623, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Officer Ivan Chavez be withdrawn and taken off calendar.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 5-02

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST

OFFICER JAMES JONES, MUNI (FILE NO. JWA C98-205)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Officer James Jones, Star No. 2148, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Officer James Jones be withdrawn and taken off calendar.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 6-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA STATE CONTROLLER'S OFFICE TO IMPLEMENT THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM (CLEEP) FY 2001-02

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the California State Controller's Office to implement the California Law Enforcement Equipment Program (CLEEP) for FY 2001-2002, including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 7-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA STATE CONTROLLER'S OFFICE TO IMPLEMENT THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM (CLEEP) FY 2000-01

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the California State Controller's Office to implement the California Law Enforcement Equipment Program (CLEEP) for FY 2000-2001, including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

Berry Tarant, Cab Driver, addressed the Commission regarding concerns about police actions during New Year's Eve.

Jeremy Curd addressed the Commission regarding problems with police officers in the city and other cities in the Bay Area and presented a written document to the Commission.

Thereafter, the meeting was adjourned at 6:07 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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THE SAN FRANCISCO POLICE COMMISSION

Captain Alex Fagan
And
The Officers of Northern Station
Invite you to:

(Agenda)

A SPECIAL MEETING OF THE POLICE COMMISSION

01-14-02A09:45 RCVD

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JAN 14 2002

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Wednesday, January 16, 2002
6:00 PM
Northern Station Community Room
1125 Fillmore Street

Periodically, the Police Commission holds meetings at each of the 10 district stations. This meeting will allow residents of the Northern District an opportunity to address the Commission about concerns in the City's most densely populated police district.

Captain Fagan will present a "*State of the District*" Message.
Public comment is encouraged.

The Police Commission

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ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 16, 2002
6:00 p.m.

NORTHERN DISTRICT
NORTHERN STATION COMMUNITY ROOM
1125 Fillmore Street
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Alex Fagan, Commanding Officer of Northern Station, to address the Commission on Police Activities in the Northern District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**There will be Public Comments on any item before or during discussion of each item.*

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The proceeding will be held at: Northern Police Station Community Room, 1125 Fillmore Street

Accessible MUNI lines serving this location is: #31 Balboa Muni Line
For information about MUNI service call 923 6142

The closest BART Station is: _____

Accessible parking Northern Police Station

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

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JANUARY 16, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Northern District at the Northern Police Station Community Room, 1125 Fillmore Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioner Chan, Friday, Quaranta, Makras
ABSENT: Commissioner Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan welcomed the audience and introduced himself followed by Commissioners Friday, Quaranta and Makras.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief of Police Fred H. Lau introduced himself and the command staff which included Assistant Chief Sanders, Deputy Chief Fong, Deputy Chief Bruce, Deputy Chief Pengel, Commander Harper, and Commander Suhr.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Acting Director Jean Field introduced herself and described function of the Office of Citizen Complaints.

CAPTAIN ALEX FAGAN, COMMANDING OFFICER OF NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Fagan, Commanding Office of Northern Station, gave a state of the district report and then opened the meeting to questions and answers.

PUBLIC COMMENTS

Richard Johnson, chairman of the Neighborhood Community Forum, thanked Captain Fagan for a job well done and asked for full staffing at Northern and more foot patrol.

Pat Holly discussed concerns regarding robberies and arson in the district.

Margaret Brooks addressed the Commission on the issue of crime in the district.

Unidentified stated that residents of the district should get involved in community meetings in looking for answers to crime.

Irene, Fillmore Market Place Apartment, asked for foot patrol in the parking garage of her complex due to young people climbing the fence to hide from police.

Stan Steely discussed concerns regarding crime in the area of Webster and Turk Street.

Mike Wolf, Manager of a hotel on Octavia Street, asked for more patrol on Octavia Street due to prostitution and drugs in the area.

Nicholas discussed concerns regarding crime in the Hayes Valley area.

Tan Lee, merchant from Polk Street area, asked for the Citizen Academy Program be expanded.

Patricia Walker thanked Captain Fagan for a job well done and asked for more foot patrols in the area of Haight and Hayes Valley.

Ken Woods, Hayes Valley area, asked the department to make crime statistics in a given area more accessible for residents to keep up-to-date on crime activities in their areas.

George Williams discussed concerns.

Salla Hapkia discussed concerns.

Rasa Rahen discussed concerns.

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Mr. Chambers asked that police and residents be more community active with youth in the district and requested that police talk to young people and not just when a crime is committed.

Mike Poluszny discussed concerns regarding sexual activities in sex clubs and why nothing has been done to stop it.

Thereafter, the meeting was adjourned at 8 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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JANUARY 18, 2002 **SPECIAL MEETING**

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY THE POLICE COMMISSION IN DISCIPLINARY CHARGES FILED AGAINST SERGEANT ANDREW BLACKWELL, SUPPORT SERVICES (FILE NO. C99-169 JWA)

The hearing for taking of evidence in disciplinary charges filed against Sergeant Andrew Blackwell, Star No. 300, Support Services, was called at 9:20 a.m., it having been set for this date.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Andrew Blackwell appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The following witnesses appeared for the Department, were sworn and testified;

Officer Alane Baca
Sergeant Andrew Blackwell

The following exhibits were identified and entered into evidence by the Department:

Exhibit No. 1	Photocopy, Aztec book cover
Exhibit No. 2	Large envelop with the name "Alane"
Exhibit No. 3	Photocopy, small box (contained crystal flowers)
Exhibit No. 4	Photocopy of postcard with the words "Give me the facts so I can evaluate the situation and put my computer to work."
Exhibit No. 5	Computer printout of poems titled "Wait for me"
Exhibit No. 6	Photocopy of envelope with the words "Alane Baca, Central Police Station" written on it
Exhibit No. 8	Photocopy, 3-page letter addressed to Alane Baca
Exhibit No. 9	Photocopy of small horse pendant
Exhibit No. 10	Photocopy of Department Memorandum submitted by Sgt. Blackwell. At the bottom of the memo, the words "Also he will run" is handwritten
Exhibit No. 11	Three photos of "Property for Sale" sign. Printed on the sign are the words "No! No! No!"

The following exhibits were entered for identification only by the Department:

Exhibit No. 7	Photocopy of small box containing a small baby crystal carriage

The meeting was then adjourned.

(The entire proceedings were taken in shorthand form by Ms. Jennifer L. Yang, CSR.)

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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JANUARY 18, 2002 SPECIAL MEETING

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LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 23, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Michael J. Montero, Support Services (File No. JWA C01-458)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Proposed Amendment of Police Code, Article 25, to Conform Private Security Regulations with State Law
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

JANUARY 23, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 8-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL J. MONTERO, SUPPORT SERVICES (FILE NO. JWA C01-458)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Michael J. Montero, Star No. 1409, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael J. Montero; therefore be it

RESOLVED, that Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael J. Montero, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the Sergeant Andrew Blackwell hearing will continue on Friday, January 25, 2002, at 9 a.m.

Commissioner Chan also announced that the Commission meeting of February 6th is cancelled.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced Mrs. Rose Hamilton of the Beta Pi Sigma Sorority who donated $500 to the Officers for Justice Police Officers Association. To be used to help a student in the Bayview District. The check was accepted by Sergeant Julian Hill, OFJ President. Sergeant Hill then introduced the newly elected officers of the OFJ: Marion Jackson, Vice President; Joann Walker, Secretary; and, John Sanford, former OFJ President.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director Jean Field stated that the OCC will be conducting interviews to replace their data entry personnel who will be leaving.

DISCUSSION AND ACTION RE: PROPOSED AMENDMENT OF POLICE CODE, ARTICLE 25, TO CONFORM PRIVATE SECURITY REGULATIONS WITH STATE LAW

Taken off calendar.

PUBLIC COMMENTS

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None

Thereafter, the meeting was adjourned at 5:55 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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JANUARY 25, 2002 **SPECIAL MEETING**

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY THE POLICE COMMISSION IN DISCIPLINARY CHARGES FILED AGAINST SERGEANT ANDREW BLACKWELL, SUPPORT SERVICES (FILE NO. C99-169 JWA)

The hearing for taking of evidence in disciplinary charges filed against Sergeant Andrew Blackwell, Star No. 300, Support Services, was called at 9:00 a.m., it having been continued from Friday, January 18, 2002.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Andrew Blackwell appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The following witnesses appeared for the Officer, were sworn and testified;

Dr. Forrest Fulton
Captain Thomas P. O'Neill 9, 16, 18, 23
Lieutenant Thomas Del Torre
Captain Timothy Hettrich
Mr. Steve Johnson
Sergeant Andrew Blackwell

The following exhibits were identified and entered into evidence by the Officer:

Exhibit No. A	Folder titled "Sgt. Andrew Blackwell's Collective Exhibits Volume 1"
Exhibit No. A1	Folder titled "Sgt. Andrew Blackwell's Collective Exhibits Volume 2"

Closing statements were made by Mr. Akins and Mr. Furst.

The meeting was then adjourned.

(The entire proceedings were taken in shorthand form by Ms. Anna C. Greenley, CSR.)

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD JOHNSON
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 30, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

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CLOSED SESSION

1. Roll Call
2. Public Comments on all maters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. San Francisco Police Officers Association vs. CCSF

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD DEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 30, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Request of the Chief of Police for Approval to Apply for, Accept Retroactively, and Expend Funds from the California Office of Traffic Safety (OTS) to Implement the "Safe and Sober in San Francisco Project"
8. Request of the Chief of Police for Approval to Apply for, Accept Retroactively, and Expend Funds from the California Office of Traffic Safety (OTS) to Implement the "Pedestrian Safety Project"
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
10. Hearing and Disposition on Disciplinary Charges filed against Sergeant Andrew Blackwell, Support Services (File No. C99-169 JWA)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724; E-MAIL: Donna.Hall@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Code §2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

SAN FRANCISCO POLICE COMMISSION
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JANUARY 30, 2002 **CLOSED SESSION**

The Police Commission of the San Francisco Police Department met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:20 p.m., in Closed Session.

PRESENT: Commissioners Chan, Quaranta, Makras
ABSENT: Commissioners Perry, Friday

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. San Francisco Police Officers Association vs. CCSF

JANUARY 30, 2002 **REGULAR MEETING**

The Police Commission of the San Francisco Police Department met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 6:00 p.m., in a Regular Metting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Motion not to disclose discussion and action taken in Closed Session was made by Commissioner Perry, second by Commissioner Makras. Approved 5-0

HEARING AND DISPOSITION ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT ANDREW BLACKWELL, SUPPORT SERVICES (FILE NO. C99-169 JWA)

Taken out of Order.

Commissioner Chan announced that Item No. 10 will be taken out of order and the Commission will recess for deliberation on the Sgt. Andrew Blackwell disciplinary case. Thereafter, the Commission left to deliberate.

Upon the Commission's return, President Chan announced the following:

That Sgt. Blackwell be terminated with termination held in abeyance for five (5) years on the condition that he not have any sustained charges within that time; That he serve a 180-day suspension forthwith, and That Sgt. Blackwell participate in a program pursuant to Department General Order 11.11. The Commission urged the Chief to review Sgt. Blackwell's progress in the program, and if Sgt. Blackwell fails to participate in the program as ordered, that the Chief bring charges against Sgt. Blackwell expeditiously.

Commissioner Chan announced that the disciplinary action was reached and voted on by himself, Commissioner Perry, Commissioner Quaranta, and Commissioner Makras.

Attorney Margaret Pendergast, representing Sgt. Blackwell, thanked the Commission for their decision.

HEARING OF OFFICER SERGEANT ANDREW BLACKWELL, SUPPORT SERVICES (FILE NO. C99-169 JWA)

The hearing of Sergeant Andrew Blackwell, Star No. 300, Support Services, was called it having been set for this date. Sergeant Blackwell was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of the San Francisco Police Department, with violating the Rules and Procedures as follows:

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SPECIFICATION NO. 1

Creating a hostile work environment (violation of Rules I-A, II-A and B, and IV-B-1 and 2 of Department General Order 11.07 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct that subverts the good order, efficiency, or discipline of the department or which reflects discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Andrew Blackwell appeared in person and was represented by Ms. Margaret A. Pendergast, Attorney at Law.

This matter was heard and evidence adduced on January 18, 2002 and on January 25, 2002 in the presence of Commissioners Chan, Perry, Quaranta, and Makras.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 and No. 2 are sustained and the following resolution was adopted:

RESOLUTION NO. 11-02

DECISION - HEARING OF SERGEANT ANDREW BLACKWELL, SUPPORT SERVICES

WHEREAS, on June 5, 2000, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Andrew Blackwell, Star No. 300, as follows:

SPECIFICATION NO. 1
Creating a hostile work environment (violation of Rules I-A, II-A and B, and IV-B-1 and 2 of Department General Order 11.07 of the San Francisco Police Department);

(1) At all times herein mentioned, Andrew Blackwell, Star Number 300, (after this called "the accused") was and is a police officer employed by the San Francisco Police Department holding the rank of Q-50 Sergeant and assigned to the Central District and now assigned to the Records Management Section of the Support Services Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) Commencing in February 1999, the accused started a course of conduct designed to foster a personal relationship with a female officer also assigned to the Central District ("the victim"). At that time the accused was a supervisor at Central Station and the victim was a Q-2 Police Officer assigned to Central Station, both officers worked the same watch. In February 1999, the accused gave the victim a book with a personal inscription inside the cover. The victim left the book laying on a table in Central Station where it was accessible to all other members in the station. The accused suggested that if she was going to leave the book laying around maybe she should white out the inscription. The victim ripped the page out but thought nothing further about the incident;

4) In May 1999, the accused gave the victim another book, which he left in her mail box. The victim did not read the book. The accused later told the victim to get rid of the book as it contained violent, bloody, and sexually explicit material. The victim could not find the book when she looked for it;

(5) In mid-May 1999, the victim received an envelope containing some crystal flowers and an unsigned machine-generated note. During the investigation of this matter, the accused admitted sending the envelope to the victim. The note requested forgiveness and state that "I know it is sheer madness. But at this moment I am hopelessly lost." The victim thought that the gift and note could be from a person in a relationship which had just ended. The victim called that person, who denied sending the crystal flowers or the note and became very angry. The victim was upset and placed a notice on a chalkboard at Central Station seeking the identity of the person who had sent her the gift. The accused advised the victim against placing a note on the chalkboard because people might start talking. The victim informed him that she did not care if people talked, that she wanted to know who sent the gift and note. The accused kept his identity secret;

(6) Later in May, 1999, about two weeks after the victim received the crystal flowers and short note, the accused then sent the victim another anonymous letter. The letter was six paragraphs long and was signed "Anguished." It contained ambiguous phrases expressing strong emotional feelings. The letter denied that the accused's overtures were motivated by lust;

(7) On June 12, 1999, the accused sent a three-page machine-generated unsigned letter, scented with baby powder, with a small metallic medallion depicting a horse attached, and a crystal baby carriage enclosed, to the victim through the U.S. mail, addressed to her at Central Station and using a fictitious return address. The letter ended with a handwritten postscript. The letter expressed fantasies and ambiguous sex references including the victim being the mother of their child. The letter requested that the victim not think of the accused as a demented stalker. The letter also contained other ambiguous statements which could be taken as threats and which frightened the victim;

(8) On June 13, 1999 the accused and the victim worked together at the North Beach Street Fair. During the evening, they stopped in a card shot on Grant Avenue. The accused purchased a postcard, inscribed it to the victim in his own handwriting in her presence, and hand-delivered it to her at the card shop;

(9) The accused, by sending the victim unsigned letters which upset the victim and made her fearful, one of which denied the accused was motivated by lust and another that denied he was a stalker, and by sending her anonymously gifts which he knew upset her, created a hostile work environment in violation of Rules I-A, II-A and B, and IV-B-1 and 2 of Department General Order 11.07 of the San Francisco Police Department, which state:

"I. A. All members of the San Francisco Police Department shall be treated with respect and dignity, and work in an environment free from discrimination and harassment.

II. A. MEMBERS. Any member who violates this order or interferes with its implementation shall be subject to disciplinary action which may include suspension by the Chief, suspension by the Police Commission, or termination by the Police Commission.

B. SUPERVISORS' RESPONSIBILITIES. Every supervisor shall enforce this order. Tacit approval of harassment or discrimination by

"turning a blind eye," laughing and treating a situation as a joke, failure to take action, or concealing a situation constitutes "negligent supervision" and will subject the supervisory officer to disciplinary action. Excuses will not be accepted or tolerated if the investigation reveals that the supervisor knew or should have known about the harassment or discrimination."

IV. B. HARASSMENT

1. Harassment is a form of discrimination and is defined as undue pressure which is imposed because of an individual's or group's sex or because of any other categories listed in Section IV., A., 1.-10.

2. SEXUAL HARASSMENT

A. The law defines sexual harassment as unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; or (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment."

SPECIFICATION NO. 2:

Engaging in conduct that subverts the good order, efficiency, or discipline of the department or which reflects discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department).

(10) Each and every allegation contained in paragraphs (1) through (8), inclusive, of SPECIFICATION NO. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(11) After receiving the last letter which the accused mailed to her on June 12, 1999, the victim became fearful that the anonymous correspondent was continuing the stalking-like behavior and was becoming what she perceived to be more unbalanced with each communication. The victim became physically ill and could not go to work on June 16, 1999;

(12) While she was at home contemplating this situation after receiving the last letter with the crystal baby carriage enclosed, the victim noticed that the handwriting on the one line handwritten note on the bottom of the letter the accused mailed to her on June 12, 1999, appeared to match the writing on the postcard the accused had purchased, inscribed in her presence and then given to the victim when they worked together at the North Beach Festival on June 12 and 13, 1999;

(13) This made the victim even more fearful because if she was correct in making that connection, the person she feared was also her supervisor and had full access to her personal information and knew much about her schedule and movements;

(14) The accused, by his conduct of anonymously and repeatedly making unwanted anonymous sexual allusions, which was exacerbated when the victim figured out that one of her supervisors was the source of the allusions which made the workplace hostile and placed the victim in fear, has engaged in conduct which any reasonable police officer would recognize as conduct bringing discredit on the department and conduct which subverts the good order and discipline of the department and therefore he violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency, or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies

and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, hearings on said charges were held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on January 18 and 25, 2002 and on January 30, 2002, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds the allegations contained in Specifications No. 1 and No. 2 of the charges as preferred by Chief of Police Fred H. Lau against Sergeant Blackwell are sustained. The Commission directed the Department to prepare findings of fact and submit them to Sergeant Blackwell's counsel within two (2) weeks. On May 8, 2002, the Commission settled the findings of facts and adopted the following findings by a vote of 4-0:

1. *Andrew Blackwell, Star Number 300, was and is a police officer employed by the San Francisco Police Department holding the rank of Q-50 Sergeant and assigned to the Central District of the San Francisco Police Department from 1996 through June 18, 1999, when he was reassigned to the Records Management Unit of the Support Services Division.*

2. *As a police officer, Sergeant Blackwell was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department. Sergeant Blackwell studied the department rules, procedures and General Orders in preparing to take civil service promotional tests for the rank of Sergeant and Lieutenant.*

3. *Sergeant Blackwell was aware of the contents of Department General Order 11.07, dealing with sexual harassment. Sergeant Blackwell was charged with enforcing the Department General Order 11.07, as well as other department rules and procedures, in his position as a supervisor.*

4. *Officer Alane Baca was assigned to the Central Police District in 1992. Officer Baca is an openly gay woman. Sergeant Blackwell was assigned to the Central Police District in 1996. Sergeant Blackwell was a supervisor at Central Station and directly supervised Officer Baca, both officers worked the same watch.*

5. *Commencing in February 1999, Sergeant Blackwell started a course of conduct in relation to Officer Baca. Sometime in February 1999, Sergeant Blackwell gave Officer Baca a book with an innocuous personal inscription inside the cover. On one occasion, Officer Baca left the book laying on a table in Central Station where it was accessible to other members in the station. Sergeant Blackwell suggested that if she was going to leave the book laying around, maybe she should white out the inscription. Officer Baca ripped the page out but thought nothing further about the incident.*

6. *In may 1999, Sergeant Blackwell gave Officer Baca another book, entitled "Aztec," which he left in her mailbox. Officer Baca did not read the book. Sergeant Blackwell later told Officer Baca to get rid of the book as it contained violent, bloody and sexually explicit material. Officer Baca could not find the book when she looked for it. She later found the book and it was adduced in evidence as department Exhibit 1.*

7. *In mid-May 1999, Officer Baca received an envelope containing*

some crystal flowers and a short unsigned machine-generated note. [Department Exhibit 3] The note requested forgiveness and stated that, "I know it is sheer madness. But at this moment I am hopelessly lost." Officer Baca thought that the gift could be from a person she was in a relationship with which had just ended. Officer Baca called the person who denied sending the crystal flowers or the note and became very angry with Officer Baca. Officer Baca was upset and placed a notice on a chalk board at Central station seeking the identity of the person who had sent her the gift. Sergeant Blackwell advised Officer Baca against posting the notes because people might start talking. Officer Baca informed him that she did not care, that she wanted to know who sent the gift and note. Officer Baca thought that the first letter might be from a stalker. Sergeant Blackwell kept his identity secret.

8. *Later in May, 1999, about two weeks after Officer Baca received the crystal flowers and short note, Sergeant Blackwell sent Officer Baca another anonymous letter. [Department Exhibit 4] The letter was six paragraphs long and was signed "Anguished." This contained many phrases expressing strong emotional feelings. Specifically, the letter denied that Sgt. Blackwell's overtures were motivated by lust and stated that it was "much, much more!" than mere lust. Sgt. Blackwell wrote, "This is the last written communication that you will receive from me. I will not be a party to upsetting you again ... ever again."*

9. *On June 12, 1999, Sergeant Blackwell mailed a three-page machine generated unsigned letter, [Department Exhibit 8] scented with baby powder, with a small metallic medallion depicting a horse [Department Exhibit 9] attached, and a crystal baby carriage, [Department Exhibit 7], to Officer Baca addressed to her at Central Station an using a fictitious return address on the envelope. [Department Exhibit 6] The letter ended with a handwritten postscript. The letter expressed fantasies including Officer Baca being the mother of their child. The letter requested that Officer Baca not think of Sergeant Blackwell as a "demented stalker." The letter also contained other statements which were taken as threats by Officer Baca and which frightened Officer Baca.*

10. *In the letter he sent on June 12, 1999, Sergeant Blackwell addressed Officer Baca's sexual preference as an openly gay woman several times, yet in his testimony before the Commission, Sergeant Blackwell denied ever hearing that Officer Baca was openly gay, and stated that he just knew she was gay. In the same letter, he also recounted his dream reciting, "I dream that when you and I mingled our seed ... in the soft candlelight of love ... something great was created ... something mighty was grown." He then said, "And then as suddenly as the violence started ... it stopped!" This letter contained many violent phrases, threatening phrases, and phrases implying Sergeant Blackwell's sexual union with Officer Baca, which Sergeant Blackwell then attempted to negate by couching the phrases in terms related to his professed love for Officer Baca and being part of dreams. Sergeant Blackwell wrote in his handwriting on the bottom of the three-page letter, "I will love you until the end of my days."*

11. *On June 12, or 13, 1999, Sergeant Blackwell led a squad to patrol the North Beach Street Fair. Officer Baca was in his squad and Sergeant Blackwell assigned Officer Baca to work*

with him. While they were working together, they entered a card shop on Grant Avenue. In the shop, Sergeant Blackwell purchased a postcard and wrote a brief message on the card in his handwriting and gave the card to Officer Baca. [Exhibit 5]

12. *After completing the detail, Officer Baca had some days off and during that period Officer Baca tried to figure out who was stalking her. Officer Baca recognized Sergeant Blackwell's message on the postcard as being similar to the handwritten comment at the bottom of the three-page letter she received. Officer Baca concluded that Sergeant Blackwell was the author of the three letters and the sender of the crystal gifts she had received. Officer Baca was upset and afraid of his stalking behavior. Officer Baca knew that, as her supervisor, Sergeant Blackwell had access to personal information concerning where she lived, and her schedules, which concerned her. Officer Baca became physically ill as a result of these letters. Officer Baca stayed off work because of the effects of Sergeant Blackwell's conduct.*

13. *Sergeant Blackwell's anonymous letters to Officer Baca containing sexual and violent statements and innuendoes, which he knew upset her, are the types of actions prohibited by Department General Order 11.07, Rule IV-B-2 and which undermine the good order and discipline of the department and bring discredit on the department.*

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 - Sustained

SPECIFICATION NO. 2 - Sustained

That Sergeant Andrew Blackwell be terminated and that said termination be held in abeyance for five (5) years on the condition that Sergeant Blackwell not have any sustained charges within that time; that Sergeant Blackwell be suspended for one hundred eighty (180) days and that he participate in the Department's General Order 11.11 Program to be monitored by the Commanding Officer of the Staff Services Division and that if he fails to participate in said program as ordered that the Chief of Police bring charges against him expeditiously;

FURTHER RESOLVED that said one hundred eighty (180) days suspension shall commence on Wednesday, January 30, 2002, at 0001 hours, and terminate on Sunday, July 28, 2002, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, Section 1094.6.

AYES: Commissioners Chan, Perry, Quaranta, Makras
EXCUSED: Commissioner Friday

(The entire proceeding was taken in shorthand form by Ms. Anna Greenley, CSR.)

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that there will be no meeting on Wednesday, February 6, 2002.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director announced that Director Mary Dunlap was doing well and is expected back to work in May.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR, ACCEPT RETROACTIVELY, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO IMPLEMENT THE "SAFE AND SOBER IN SAN FRANCISCO PROJECT"

Captain Yalon, Traffic Division, addressed the Commission, explained, and answered questions by the Commission regarding the Safe and Sober Program. Motion by Commissioner Makras, second by Commissioner Perry. 5-0.

RESOLUTION NO. 9-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO IMPLEMENT THE "SAFE AND SOBER IN SAN FRANCISCO PROJECT"

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the California Office of Traffic Safety (OTS) to implement the "Safe and Sober in San Francisco Project", including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR, ACCEPT RETROACTIVELY, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO IMPLEMENT THE "PEDESTRIAN SAFETY PROJECT"

Captain Yalon explained the Pedestrian Safety Grant Program. Motion by Commissioner Perry, second by Commissioner Makras. Approved 5-0

RESOLUTION NO. 10-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO IMPLEMENT THE "PEDESTRIAN SAFETY PROJECT"

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the California Office of Traffic Safety (OTS) to implement the "Pedestrian Safety Project", including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:25 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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ANGELO QUARANTA
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VICTOR MAKRAS
Commissioner

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Secretary

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meeting

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, February 6, 2002. The next Police Commission Regular Meeting will be on **Wednesday, February 13, 2002**, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

02-01-02P12:06 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 13, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

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CLOSED SESSION

02-12-02A09:34 RCVD

1. Roll Call
2. Public Comments on all maters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Frank Rodriguez vs. CCSF, et al., San Francisco Superior Court Case No. 400-133

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 13, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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02-12-02A09:44 RCVD

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Discussion and Action re: Revised General Order 10.08, "Use of Computers and Peripheral Equipment"
9. Discussion and Action re: OCC Budget for Fiscal Year 2002-2003
10. Discussion and Action re: SFPD Budget for Fiscal Year 2002-2003
11. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for settlement of the following claim:
   a. Frank Rodriguez vs. CCSF, et al., San Francisco Superior Court Case No. 400-133

FEBRUARY 13, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PRESENT: Commissioners Chan, Perry, Quaranta
ABSENT: Commissioners Friday, Makras

CONFERENCE WITH LEGAL COUNSEL- Existing Litigation
a. Frank Rodriguez, vs. CCSF, et al., San Francisco Superior Court Case No. 400-133

FEBRUARY 13, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:47 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Commissioner Perry made a motion not to disclose action taken in Closed Session. Second by Commissioner Quaranta.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 12-02

FRANK RODRIGUEZ vs. CCSF, et al.,
SAN FRANCISCO SUPERIOR COURT CASE NO. 400-133

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Frank Rodriguez v. CCSF et al.," in San Francisco Superior Court Case No. 400-133, be, and the same is hereby approved.

Date of Incident: September 27, 2001

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

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POLICE COMMISSION ANNOUNCEMENTS
a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders addressed the Commission regarding an incident that occurred on January 21, 2002, Martin Luther King's Birthday, where police responded to a call of men in black masks in the Bayview District. There were allegations of police misconduct. Assistant Chief Sanders stated that the department are meeting with community organizations and are investigating the incident. Chief Sanders also stated that a community meeting in the Bayview District will be held on Thursday and will be attended by the command staff.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

and

DISCUSSION AND ACTION RE: OCC BUDGET FOR FISCAL YEAR 2002-2003

Acting Director Donna Medley reported on the OCC Budget for Fiscal Year 2002-2003. Ms. Medley answered questions by the Commission regarding the budget and was told by the Commission that it was a pleasure to read a budget that was presented with information that was easy to understand. Commissioner Quaranta made a motion to approve the budget; second by Commissioner Perry. Motion passed 5-0.

RESOLUTION NO. 14-02

APPROVAL OF PROPOSED OCC BUDGET FOR FISCAL YEAR 2002-2003

RESOLVED, that the Police Commission hereby approves proposed OCC Budget for fiscal year 2002-2003.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 10.08, "USE OF COMPUTERS AND PERIPHERAL EQUIPMENT"

Captain Tim Hettrich, Planning Division, addressed the Commission regarding revised general order 10.08 which covers all departmental use of department's computers. This general order covers email, access to the internet, passwords, getting into department computer systems, criminal history investigation, Department of Motor Vehicles, and any work done on or to department computer systems. Commissioner Perry made a motion to adopt revised general order 10.08. Second by Commissioner Quaranta. Motion passed 5-0.

RESOLUTION NO. 13-02

APPROVAL OF REVISED GENERAL ORDER 10.08, "USE OF COMPUTERS AND PERIPHERAL EQUIPMENT"

RESOLVED, that the Police Commission hereby adopts revised General Order 10.08, "Use of Computers and Peripheral Equipment."

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND ACTION RE: SFPD BUDGET FOR FISCAL YEAR 2002-2003

Captain John Goldberg, Fiscal Division, addressed the Commission regarding the SFPD Budget for Fiscal Year 2002-2003. After presenting the budget, Captain Goldberg answered question from the Commission. Commissioner Chan informed Captain Goldberg that he was not comfortable with the little information given to the Commission for review. Commissioner Makras also expressed his feelings on the lack of information the Commission was given. Captain Goldberg informed the Commission that more information will be forthcoming next week. But, in order to have the budget on the calendar for tonight's meeting, by law, it had to be put on the calendar by Friday, February 8, 2002. Officer Tom Strong, Accounting, responded to Commissioner Makras's questions regarding two utilities billings. Officer Strong informed the Commission that PG&E do not service Treasure Island and that utilities have to be purchased from the East Bay. Commissioner Friday made a motion to approve the budget; second by Commissioner Perry. Motion passed 4-1. Commissioner Makras voted against the motion.

Commissioner Chan asked Deputy Chief Welch to develop a program where one Commissioner can review the budget in process.

RESOLUTION NO. 15-02

APPROVAL OF PROPOSED SFPD BUDGET FOR FISCAL YEAR 2002-2003

RESOLVED, that the Police Commission hereby approves proposed SFPD Budget for fiscal year 2002-2003.

AYES: Commissioners Chan, Perry, Friday, Quaranta
NAYS: Commissioner Makras

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:35 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 20, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

CLOSED SESSION

1. Roll Call
2. Public Comments on all maters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. San Francisco Police Officers Association vs. CCSF

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 20, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Laurence B. Barker, Support Services (File No. C01-118 JWA)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
9. Hearing and Disposition on Disciplinary Charges filed against Officer Patricia M. Hanson, Support Services (File No. C99-146 JWA)

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*There will be Public Comments on any item before or during discussion of each item.

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

FEBRUARY 20, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:20 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. San Francisco Police Officers Association vs. CCSF

PRESENT: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioners Chan, Friday

FEBRUARY 20, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Commissioner Perry asked for a motion whether to disclose action taken in Closed Session. Commissioner Friday made a motion not to disclose action taken during Closed Session. Second by Commissioner Makras. 4 - 0 not to disclose action taken in Closed Session.

RESOLUTION NO. 16-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER LAURENCE B. BARKER, SUPPORT SERVICES (FILE NO. C01-118 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Laurence B. Barker, Star No. 1040, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Laurence B. Barker; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Laurence Barker, and is to be set at a later date.

AYES: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

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POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

None

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting Director Donna Medley advised the Commission that they will be conducting a testing process in search for additional investigators. Current list expires November 2002.

PUBLIC COMMENTS

None

HEARING OF OFFICER PATRICIA M. HANSON, SUPPORT SERVICES (FILE NO. C99-146 JWA)

The hearing of Police Officer Patricia M. Hanson, Star No. 1671, Support Services, was called it having been set for this date. Officer Hanson was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to follow the instructions of attending physicians while on disability leave and engaging in activities which could aggravate her injuries while on disability leave (violation of Rule M, subsections 2-a, 2-b, 2-c, 2-d, 2-e, a nd 2-f, of Department General Order 11.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to honor subpoenas to appear and testify at properly noticed hearings (violation of Rule I-A, -2 of Department General Order 3.08);

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Patricia M. Hanson appeared in person and was represented by Ms. Margaret Pendergast, Attorney at Law.

Officer Patricia M. Hanson admitted to the truth of the allegations contained in Specifications No. 1 and No. 2 and accepts responsibility for her actions.

The Police Commission unanimously accepted the plea of Officer Hanson.

Based on Officer Hanson's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau.

It is the recommendation of Chief of Police Fred H. Lau that Officer Patricia M. Hanson be suspended for one hundred twenty (120) days, sixty (60) days on each specification, with sixty (60) days held in abeyance for three (3) years and sixty days to be served less the nine (9) days she was on interim suspension, on the following condition that she not engage in any serious acts of misconduct for the three (3) years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 17-02

DECISION - HEARING OF OFFICER PATRICIA M. HANSON, SUPPORT SERVICES (FILE NO. C99-146 JWA)

WHEREAS, on May 11, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Officer Patricia M.

Hanson, as follows:

SPECIFICATION NO. 1:
Failure to follow the instructions of attending physicians while on disability leave and engaging in activities which could aggravate her injuries while on disability leave (violation of Rule M, subsections 2-a, 2-b, 2-c, 2-d, 2-e, a nd 2-f, of Department General Order 11.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Patricia M. Hanson, Star Number 1671, (hereinafter referred to as "the accused") was a Q-2 police officer, employed by the San Francisco Police Department assigned to the Central Station, Field Operations Bureau, then to the Medical Liaison Unit of the Staff Services Division, now assigned to the Support Services Division, Permit Section;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On December 16, 1997, while the accused was assigned to the Vice Crimes Unit, she injured her back which resulted in a six week period of disability leave. She returned to full duty on January 26, 1998, and remained assigned to the Vice Crimes Section until early September 1998, when she ws transferred to Central Station. The accused worked the midnight shift as a patrol officer at Central station on September 9 and 10, 1998. On September 10 and 11, 1998, the accused was treated by her physical therapist;

(4) On September 11, 1998, the accused orally informed a supervisor at Central Station that she had reinjured her back on September 9 and 10, 1998, and would see a physician on September 14, 1998. On September 11, 1999, the accused contacted her personal physician for an appointment to have her back examined, believing it to be a reoccurrence of the previous injury;

(5) On September 14, 1998, the accused visited the private physician who had previously treated her for her injury of December 16, 1997. The physician examined the accused and directed her to stay off duty on disability leave for two weeks. On September 23, 1998, the accused again visited her physician and he continued her disability status for 30 days;

(6) On September 13, 1998, the accused participated in a tennis tournament and won her match. On September 19,1 998, the accused participated in another tennis tournament and played and won two matches. On September 20, 1998, the accused played in another tennis tournament. On September 22, 1998, the Claims Validation Unit of the Support Services Division of the San Francisco Police Department commenced an activity check of the accused; the accused was observed on September 22, 1998, lifting a blue wheelbarrow and a large bale of hay, pushed it across a field to feed a horse on her property. On September 23, 1998, the accused drove to a school approximately four miles from her residence and stayed in the school building for at least one hour;

(7) On September 14, 1998, the accused visited her physician and told him that she could not lift, stoop or squat, and on September 23, 1998, the accused visited her physician and told him that she could only lift 15 lbs., could not bend forward at the waist, and could not squat or stoop, yet she was playing active tennis for long hours and lifting heavy hay bales and using a pitchfork to feed her horse;

(8) On October 22, 1998, the accused again visited her physician and he put her off work on disability leave for one more month. On October 24 and 25, 1998, the accused played in a tennis tournament. On October 22,

1998, the accused had told her physician that she could life a little, bend a little, and stoop a little, but could only life 8 - 10 lbs. On November 18, 1998, the accused was observed pushing a shopping cart filled with groceries to her automobile, loaded the groceries in the trunk of her automobile. The groceries included two 14 -17 lb. turkeys which the accused lifted simultaneously, one in each hand when she put them in her automobile trunk;

(9) The accused next visited her physician on December 29, 1998, she was continued on disability leave. At that time the physician noted that she had only slight improvement in her condition and that she could only lift a maximum of 10 lbs.;

(10) The accused, by not telling her physician what her capacities really were during her visits, violated Department General Order 11.01, Rule I-M-2.a which provides:

"2. SICK OR DISABILITY LEAVES
a. A member shall not simulate any injury or illness or attempt to mislead or deceive the treating physician, the Police Physician, the commanding officer or any superior officer assigned to investigate the circumstances of the injury or illness."

(11) On May 11, 2000, the accused's physician was deposed. In the course of the deposition, the physician stated that, "Every time she exceeds the limits that I have outlined, she develops recurrent symptoms."

(12) The accused, by playing tennis and by lifting heavy objects while on disability leave and misleading her physician about her physical capacities, after physician prescribed conditioning exercises while on disability leave with pay, engaged in conduct which violated Rule I-M-2.c & f, subsection # and H of General Order D-8 of the San Francisco Police Department, which states:

"C. Shall, while absent from duty on account of sickness or disability, strictly comply with the instructions of the attending physician, the Police Physician or his commanding officer."

"F. A member off duty on sickness or disability leave shall not knowingly engage in any activity which could aggravate his/her injury or illness or which could retard the members convalescence, e.g. sports activities such as baseball, football, etc. Therapy prescribed by an attending physician or physical therapist, e.g., walking, jogging, shall not be effected (sic) by this rule."

(13) The accused, by misleading her physicians concerning her physical condition and limitations on her activities and by engaging in conduct which exacerbated her condition, has violated Rule 9 of Department General Order 2.01, which states:

"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer
either within or without the state that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2
Failure to honor subpoenas to appear and testify at properly noticed hearings (violation of Rule I-A, -2 of Department General Order 3.08);

(14) Each and every allegation contained in paragraphs (1) through (11), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(15) During the time period from June through November of 1998, the accused failed to appear for separate hearings she had been subpoenaed to attend by the California Department of Alcoholic Beverage Control informed the

department that the accused had notified him that she would not honor subpoenas for her to appear to testify on September 28, 1999 and October 8, 1999;

(16) In the first matter the accused was subpoenaed and failed to appear on June 17, 1998, July 30,1 998, August 10, 1998, September 10, 1998,a nd November 5, 1998;

(17) In the second and third matters, the accused was subpoenaed to appear on September 3, 1998. The accused called the ABC to verify that the hearings would go forward on September 3, 1998, but called the morning of the hearings to say she was sick and would not attend the hearings;

(18) In the fourth matter, the accused was subpoenaed to appear on September 22, 1998. On September 18, 1998, the accused called the ABC to inform them that she was on disability leave and would not attend the hearing on September 22,1 998 and the hearings on October 8, 1998. After she was informed, on September 18, 1998, by her sergeant at Central Station that she was obligated pursuant to department General Order 3.08 to honor subpoenas to testify while on disability leave, she called her physician and requested an excuse from testifying. In a note dated September 21, 1998, her physician excused the accused from any court proceedings until September 25, 1998;

(19) In the fifth and sixth matters, the accused was subpoenaed to appear on October 8, 1998. On Scptember 29, 1998, her physician excused her from court through October 22, 1998;

(20) In the seventh matter, the accused was subpoenaed to appear on November 8, 1998, she did not appear as the subpoena was returned marked that the accused was on disability leave;

(21) The accused, by her failure to honor subpoenas served by the California Department of Alcoholic Beverage Control violated Rule I-A-2 of Department General Order 3.08, which states:

"COURT APPEARANCES BY MEMBERS
This order establishes policy for honoring subpoenas and outlines procedures for processing and serving subpoenas.
I. POLICY
A. RESPONSIBILITY TO HONOR SUBPOENAS. Members receiving subpoenas from competent authority are required to appear as directd.
1. VACATION/PERSONAL LEAVE. Members on vacation or personal leave must appear in court as directed, except when explicitly excused by the assistant district attorney handling the case or by the attorney issuing the subpoena.
2. SICK OR DISABILITY LEAVES. Members on sick or disability leave must appear in court unless they are physically unable.
3. SUSPENSIONS. Members who are suspended must appear in court when ordered.
4. ON OR OFF DUTY. Members on or off duty shall also appear in court when ordered."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on February 20, 2002, where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Patricia Hanson's admission, the Commission finds the allegations contained in Specifications No. 1 and No. 2 of the disciplinary charges as preferred by Chief of Police Fred H. Lau against Officer Hanson are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the

citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

SPECIFICATION NO. 2 Sustained

That Officer Patricia M. Hanson be suspended for one hundred twenty (120) days, sixty (60) days on each specification, with sixty (60) days held in abeyance for three (3) years and sixty days to be served less the nine (9) days she was on interim suspension, on the condition that she not engage in any serious acts of misconduct for the three (3) years.

FURTHER RESOLVED, that said fifty-one (51) days suspension shall commence on Saturday, March 2, 2002, at 0001 hours, and terminated on Sunday, April 21, 2002, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

Thereafter, the meeting was adjourned at 6:10 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
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CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 27, 2002
5:00 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

02-25-02A10:32 RCVD

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CLOSED SESSION

1. Roll Call
2. Public Comments on all maters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. San Francisco Police Officers Association vs. CCSF

   b. Fannie Williams, et al. v. CCSF, et al., Superior Court No. 992-174

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*There will be Public Comments on any item before or during discussion of each item.

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 27, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Terry Y. Huey, Operation Center, (File No. C01-412 JWA)
5. Approval of Consent Calendar
6. Police Commission Announcements
   a. Motion of Calendaring of New Items
7. Chief's Announcements and Review of Recent Department Events
8. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:
   a. Fannie Williams, et al. v. CCSF, et al., Superior Court No. 992-174

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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FEBRUARY 27, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:00 p.m., in Closed Session.

PRESENT: Commissioners Chan, Perry, Quaranta

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. San Francisco Police Officers Association vs. CCSF
b. Fannie Williams, et al. v. CCSF, et al., Superior Court No. 992-174

FEBRUARY 27, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Commissioner Perry entered a motion not to disclose action taken in Closed Session. Second by Commissioner Friday. 5-0

RESOLUTION NO. 18-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER TERRY Y. HUEY, OPERATION CENTER (FILE NO. C01-412 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Terry Y. Huey, Star No. 86, Operation Center, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Terry Y. Huey; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Terry Y. Huey, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 19-02

FANNIE WILLIAMS, et al. vs. CCSF, et al.,
SAN FRANCISCO SUPERIOR COURT CASE NO. 992-174

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Fannie Williams, et. al. v. CCSF et al.," in San Francisco Superior Court Case No. 992-174, be, and the same is hereby approved.

Date of Incident: July 8, 1997

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

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POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders informed the Commission that the Department was continuing its policy of taking young children residing in housing projects to the Circus.

Chief Sanders reported on an ongoing investigation of the incident that occurred in the Hunter's Point area on Martin Luther King's birthday, January 21st. Chief Sanders informed the Commission that the department has met and is continuing to meet with residents of the area to determine what actually occurred. He also informed the Commission that the officers involved have been reassigned to other areas of patrol.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting Direction Jean Field addressed the Commission and stated that the OCC office has an open complaint and is conducting an investigation in to the incident that occurred on January 21st.

PUBLIC COMMENTS

Samantha Liepos, Bay Area Police Watch, addressed the Commission regarding the incident that took place on January 21st where four juveniles were allegedly assaulted by the police.

Ms. T. Bishop, mother of one of the juveniles, showed the Commission photos of the police and the four juveniles and stated that something must be done.

James Brown, father of one of the juveniles, stated that his son was beaten to a bloody mess and he wants the officers involved taken off the force.

Ms. McAllister, mother of one of the girls involved in the incident, stated that her daughter was molested by the police and that they should be taken off the street.

Ms. R. Jackson, Books not Bars, stated that this is one of the worse acts the police has done in a long time.

Ms. Stelley, mother of Idriss Stelly, stated that the police has to stop killing and brutalizing children.

Ms. E. Jackson stated that she is a homeowner in Hunter's Point stated that officers should be held to answer.

Mr. F. Dacosta asked the Commission to move forward and not to blow it.

Ms. Rasheda discussed concerns regarding the Hunter's Point incident on January 21st.

Heather Letten, resident of Hunter's Point, addressed concerns regarding the Hunter's Point incident and the Idriss Stelley incident.

Deb Rodgers, Nation Organization of Women, stated that the police department should be protecting children and that officers involved should be arrested.

Ms. Magen discussed concerns about police brutality.

Leroy Warh discussed concerns about the Hunter's Point incident.

Walter Johnson, resident in the Hunter's Point area, discussed concerns regarding the January 21st incident and asked the Commission to do their jobs.

Sandra Brown stated she is here to support the parents of the children involved.

Mr. I. Ho discussed concerns regarding police brutality.

Ms. E. Shekila discussed concerns regarding the January 21st incident.

Unidentified discussed concerns regarding police brutality in the black community.,

Thomas discussed concerns regarding police brutality.
James Marney discussed concerns regarding police brutality.

Thereafter, the meeting was adjourned at 7:14 p.m.

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 6, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Discussion and Action re: Department's Motion to Withdraw Disciplinary Charges filed against Officer Steven Hutzler, Solos (File No. C01-231 JWF), to be Remanded to the Chief of Police for Disposition
7. Request of the Chief of Police for Approval to Retroactively Accept and Expend Funds from the California Office of Criminal Justice Planning (OCJP) to Implement the Local Forensic Laboratory Improvement Program
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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For information about the meeting call 553 1667(v) or 553 9194 (tty)

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MARCH 6, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the next District Meeting will be on April 17th in the Taraval District, Taraval Police Station. Commissioner Chan also announced that on Friday, March 8th, at 9:00 a.m., the Commission will be having a hearing on the motion filed by Sgt. Haggett's attorney to dismiss all disciplinary charges filed against him.

Commissioner Friday advised the Commission that he will not be able to attend the hearing.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Fred H. Lau briefed the Commission regarding swearing-in ceremony for Deputy Chief Rick Bruce, Commander Rich Holder and 98 sergeants and inspectors.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting Director Jean Field stated the OCC entertained 23 international visitors to observe how the OCC operates. Ms. Field stated that the OCC has sent five investigators to Internal Affairs training provided by P.O.S.T. She also stated that Sgt. Sullivan will be addressing the OCC investigators on ADA issues and booking and detention procedures.

RESOLUTION NO. 20-02

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER STEVEN HUTZLER, SOLOS (FILE NO. C01-231 JWF)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Officer Steven L. Hutzler, Star No. 465, be withdrawn and that said disciplinary charges be remanded to the Chief of Police for disposition on the following conditions: (1) To allow the complainant and witnesses to testify at the Chief's hearing; (2) To inform the complainant of the disposition; and, (3) Assurance by the Chief of Police that the withdrawal of this complaint from the Commission in no way minimizes the seriousness of the charges against the officer, and if misconduct is proven, appropriate discipline will be imposed; therefore be it

RESOLVED, that the disciplinary charges filed against Officer Steven L. Hutzler be withdrawn and taken off calendar.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 21-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO IMPLEMENT THE LOCAL FORENSIC LABORATORY IMPROVEMENT PROGRAM

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RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the California Office of Criminal Justice Planning (OCJP) to implement the "Local Forensic Laboratory Improvement Program", including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:40 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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VICTOR MAKRAS
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LT. EDWARD DEXTER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
FRIDAY, MARCH 8, 2002
9:00 a.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

Hearing on the Motion to Dismiss, pursuant to Government Code Section 3304, Disciplinary Charges filed against Sergeant John Haggett, Special Operations, (File No. C01-270 JWF)

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 13, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
7. Hearing on Disciplinary Charges filed against Officer Terry Y. Huey, Operation Center (File No. C01-412 JWA)

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MARCH 13, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the next Community Meeting will be on April 17, 2002, at the Taraval Police Station.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders informed the Commission that Deputy Chief Bruce, Airport Bureau, will be training the officers at the airport to take over security from the National Guard. The National Guard will be cutting back on security as the police takes more of the responsibility. Chief Sanders stated that security will be by officers on an overtime basis and that the government will pick up the costs.

Commissioner Friday asked what is the time frame. Chief Sanders stated that the police will take over after employees are hired and trained.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Attorney Jean Field, Acting OCC Director, informed the Commission that the OCC has met with the African-American Community Board and planned other meetings to discuss the role of the OCC and making for a good relationship. Ms. Field also stated that OCC is looking to hire part time and full time employees to fill open positions.

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PUBLIC COMMENTS

None

HEARING OF OFFICER TERRY Y. HUEY, OPERATIONS CENTER (FILE NO. C01-412 JWA)

The hearing of Police Officer Terry Y. Huey, Star No. 86, Operations Center, was called it having been set for this date. Officer Huey was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which undermines the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department general Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which undermines the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Terry Y. Huey appeared in person and was represented by Mr. Steve Johnson, POA.

Officer Terry Y. Huey admitted to the truth of the allegations contained in Specifications No. 1 and No. 2 and accepts responsibility for his actions.

The Police Commission unanimously accepted the plea of Officer Huey.

Based on Officer Huey's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau.

It is the recommendation of Chief of Police Fred H. Lau that Officer Terry Y. Huey be terminated, with termination held in abeyance for three (3) years on the condition that he be suspended for forty-five (45) days on each specification, total suspension ninety (90) days, and that he not receive any sustained complaints of misconduct for the three (3) years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 22-02

DECISION - HEARING OF OFFICER TERRY Y. HUEY, OPERATIONS CENTER (FILE NO. C01-412 JWA)

WHEREAS, on February 20, 2002, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Officer Terry Y. Huey, as follows:

SPECIFICATION NO. 1:
Engaging in conduct which undermines the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department general Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Terry Y. Huey, Star Number 86, (hereinafter referred to as "the accused") was a police officer, employed by the San Francisco Police Department assigned to the Ingleside Station in the Field Operations Bureau now assigned to the Operations Center;

(2) As a member of the department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) The accused was transferred from the Bayview Station to Ingleside Station to become a Field Training Officer. As part of his training to become a Field Training Officer, the accused was scheduled to attend a mandatory P.O.S.T. course entitled "Arrest and Control" at the San Francisco Police Academy on September 17 & 18, 2001. The course was conducted from 1500 hours to 2300 hours on each of these days;

(4) The accused attended the class on September 17, 2001. On September 19, 2001, the Academy staff contacted Ingleside Station and informed them that the accused did not attend the class on September 18, 2001 and was carried as AWOL from the class;

(5) When contacted by his lieutenant at Ingleside Station, the accused told the lieutenant that on Monday, September 17, 2001, he informed the

class instructor that he had to appear in traffic court on Tuesday, September 18, 2001, at 1800 hours. He further said that the instructor told him to go to court and then report for the rest of the class. The accused said that he went to Traffic Court at 1800 hours and that he was released from court at 1915 hours. He said after he was released he went to the Academy and attended the balance of the class. The accused opined that the reason he was carried as AWOL was that he must have failed to signed the class attendance record;

(6) On September 19, 2001, the accused worked at Ingleside Station. He was instructed to prepare a memorandum concerning his failure to attend the class on September 18, 2001. In the memorandum he prepared dated September 20, 2001, the accused said that on September 18, 2001, at 1450 hours, he had called an officer at the academy and left a message on her answering machine concerning his inability to attend the class scheduled to start at 1500 hours as he had hurt his wrist and that he had to go to Traffic court at 1800 hour. In the memorandum he further stated that after being released from court at 1915 hours, he drove to the Academy to participate in what was left of the class. He said that he tried to find the instructor but was unable to find him and that the van where the class was being conducted was locked. The accused said he then went home and tried to call the Academy, but no one answered the telephone;

(7) The lieutenant assigned to investigate the matter at Ingleside Station tried to verify the information the accused provided to him. He asked the officer at the Academy, who the accused said he had called, if she had received a message on her answering machine from the accused. She said that she did not receive a call from him on September 18, 2001, that she logs all the messages left on her machine, and that the only message she had from the accused was on September 3, 2001;

(8) The lieutenant spoke with the instructor for the two-day course. The instructor stated that he told the accused to come to class until it was time to leave for Traffic Court and to return to the class after court. He also said that the accused's classmates were in the Academy lunchroom at the time the accused said he was at the Academy to complete the last half of the class;

(9) The lieutenant spoke with the sergeant in the Legal Division who oversees the subpoenas for Traffic Court. The sergeant informed him that there was no Night Traffic Court on Tuesday, September 18, 2001. He further stated that Night Traffic Court is always on Wednesdays;

(10) On September 26, 2001, the lieutenant at Ingleside Station formally interviewed the accused as part of an administrative investigation. In the course of the interview, the accused admitted that he did not attend class on Tuesday, September 18, 2001. The accused acknowledged that he told the instructor for the class that he had a subpoena to appear at Night Traffic Court on Tuesday, September 18, 2001. The accused acknowledged that the instructor told him to attend class before going to court. The accused said that he attempted to leave a message on the officer's machine at the Academy but after the phone rang four times he just hung up. The accused stated that he drove to the Hall of Justice from his residence to attend Traffic Court, however, due to lack of parking and traffic congestion, he did not stop and did not attend court. After being confronted with the information from the sergeant in the Legal Division, the accused admitted that he did not have a subpoena for Traffic Court, that he did not attempt to locate his classmates at the Academy after attending court and that the information in his memorandum was false;

(11) The accused, by failing to attend the second day of the class at the

Academy, violated Rule 10 of Department General Order 2.01, which states:

"WRITTEN ORDERS. Members shall obey all written orders, policies, and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors."

(12) The accused, by his disobedience to the order to attend class at the Academy on September 18, 2001, and by his deceptive and evasive response to questions during the informal and formal investigation of the matter described above engaged in conduct which undermines the good order, efficiency, and discipline of the department and brings discredit on the department in a way that any reasonable police officer must know violates the standards of the department in a way that any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Engaging in conduct which undermines the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(13) The allegations of paragraphs 1 and 2 of Specification No. 1 above are realleged and incorporated herein as though set forth in full;

(14) On October 19, 2001, the accused called Ingleside Station and spoke to the Platoon Commander. The accused requested that he be carried on sick leave for the next four watches because his mother-in-law was extremely ill and not expected to live;

(15) The lieutenant expressed his condolences and told the accused the requested time off would be no problem. The lieutenant then requested information regarding the accused's mother-in-law's address and telephone contact numbers in Los Angeles, so that the department could check on the well-being of the accused and his family members;

(16) The accused stated that he did not have the numbers and could not contact his wife because she was in flight from Colorado to Los Angeles to be with her mother in her last hours. The accused then told the lieutenant that maybe his brother could take care of the children, that he would call his brother and call the lieutenant back. Fifteen minutes later, the accused called the lieutenant and told him that his mother-in-law had made a recovery and he would no longer need the four days off. The lieutenant documented the telephone conversations in a memorandum to the commanding officer of the Ingleside Station;

(17) On November 15, 2001, the accused was interviewed by an investigator from the Management Control Division concerning the telephone calls he made requesting sick leave on October 19, 2001. In the course of the interview, the accused admitted that he fabricated the basis for his request for sick leave when he stated that his mother-in-law was going to die imminently;

(18) The accused, by his deceptive and fabricated basis for requesting four days sick leave described above, engaged in conduct which undermines the good order, efficiency, and discipline of the department and brings discredit on the department in a way that any reasonable police officer must know violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on March 13, 2002, where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Terry Y. Huey's admission, the Commission finds the allegations contained in Specifications No. 1 and No. 2 of the disciplinary charges as preferred by Chief of Police Fred H. Lau against Officer Huey are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

SPECIFICATION NO. 2 Sustained

That Officer Terry Y. Huey be terminated and that said termination be held in abeyance for three (3) years on the condition that he be suspended for forty-five (45) days on each specification, total suspension ninety (90) days, and that he not receive any sustained complaints of misconduct for the three (3) years.

FURTHER RESOLVED, that said ninety (90) days suspension shall commence on Saturday, March 16 2002, at 0001 hours, and terminated on Thursday, June 13, 2002, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

Thereafter, the meeting was adjourned at 5:45 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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PRESIDENT

CONNIE FERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD DEITER
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, March 20, 2002. The next Police Commission Regular Meeting will be on **Wednesday, March 27, 2002**, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

03-15-02A11:17 RCVD

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 27, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

1. Roll Call

2. Public Comments on all maters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Homes Not Jails, et al v. CCSF, USDC No. C99-4204 TEH

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03-25-02A09:41 RCVD

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*There will be Public Comments on any item before or during discussion of each item.

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
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Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 27, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Inspector Henry L. Kirk, General Work, (File No. C01-411 GRN)
5. Approval of Consent Calendar
6. Police Commission Announcements
   a. Motion of Calendaring of New Items
7. Chief's Announcements and Review of Recent Department Events
8. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
9. Request of the Chief of Police for Approval to Authorize the SFPD to Donate a Surplus Command Van to the City of Concord
10. Discussion and Action re: Reporting Requirements for Pending Disciplinary Cases
11. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claim:
   a. Homes Not Jails, et al v. CCSF, USDC No. C99-4204 TEH
2. Request of the Chief of Police to Accept Donation of $1,000.00 from The Jamestown Management Corporation for use by the Central Police Station

SAN FRANCISCO POLICE COMMISSION
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For information about MUNI service call 923 6142

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Accessible seating for persons with disabilities and wheelchairs will be available.

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MARCH 27, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PRESENT: Commissioners Perry, Friday, Makras
ABSENT: Commissioners Chan, Quaranta

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Homes Not jails, et al v. CCSF, USDC No. C99-4204 TEH

MARCH 27, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:46 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Commissioner Perry made a motion not to disclose action taken in Closed Session. 2nd by Commissioner Quaranta. Passed 5-0.

RESOLUTION NO. 25-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR HENRY L. KIRK, GENERAL WORK (FILE NO. C01-411 GRN)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Inspector Henry L. Kirk, Star No. 1160, General Work, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Henry L. Kirk; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Henry L. Kirk, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

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APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 23-02

HOMES NOT JAILS, et al v. CCSF, USDC NO. C99-4204 TEH

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Homes Not Jails, et al. v. CCSF," in United States District Court Case No. C99-4204 TEH, be, and the same is hereby approved.

Date of Incident: January 2, 1999

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 24-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF $1,000.00 FROM THE JAMESTOWN MANAGEMENT CORPORATION FOR USE BY THE CENTRAL POLICE STATION

RESOLVED, that the request of the Chief of Police for approval to accept donation of $1,000.00 from The Jamestown Management Corporation for use by the Central Police Station is hereby approved.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

None

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Donna Medley, Acting OCC Director, announced that Director Mary Dunlap received an award from her former Law School. She also announced that OCC Attorney Jean Field is on maternity leave and that she will be replaced temporarily by Attorney Cynthia Lee.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO AUTHORIZE THE SFPD TO DONATE A SURPLUS COMMAND VAN TO THE CITY OF CONCORD

Sergeant Dave Herrera, Fleet Management, addressed the Commission stating that the Police Department has anew command van and that in July, the Department will receive a second new command van. Sgt. Herrera stated that the old command van needed major work and no other City Department want the van. Police Chief Fred Lau and Police Chief Ron Ace of Concord PD discussed the possibility of donating the surplus van to the City of Concord and that Concord would pay for needed repairs.

Commissioner Quaranta made a motion to donate the surplus command van to the Concord Police Department, second by Commissioner Perry. Approved 5-0.

RESOLUTION NO. 26-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO AUTHORIZE THE SAN FRANCISCO POLICE DEPARTMENT TO DONATE A SURPLUS COMMAND VAN TO THE CITY OF CONCORD

RESOLVED, that the Police Commissions hereby approves the request of the Chief of Police for authorization to donate a surplus command van to the City of Concord, California.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND ACTION RE: REPORTING REQUIREMENTS FOR PENDING DISCIPLINARY CASES

The Commission suggested five items setting forth the language the

Commission could adopt regarding reporting requirements for pending disciplinary cases. Assistant Chief Sanders and Acting OCC Director Donna Medley expressed their concerns regarding the five items. Commissioner Chan advised both Chief Sanders and Ms. Medley to put their concerns in writing and the issue will be scheduled for discussion and action at a future date.

PUBLIC COMMENTS

Mr. Steven Currier, President of the Outer Mission Resident Association, wanted to express his support for the police in general but particularly in the outer Mission area. He handed out a letter and displays on behalf of the association to the Chronicle regarding the paper's article on the knife attack of a 16-year old and the police shooting of the suspect.

Mr. Jerome Hurd addressed the Commission regarding an OCC complaint he wants to deliver to Acting Director Medley. He further discussed police issue that occurred in San Mateo County.

Thereafter, the meeting was adjourned at 6:10 p.m.

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 3, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Inspector Arthur Stellini, Domestic Violence Unit (File No. C01-409 GRN)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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APRIL 3, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 27-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR ARTHUR STELLINI, DOMESTIC VIOLENCE UNIT, (FILE NO. C01-409 GRN)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Inspector Arthur Stellini, Star No. 707, Domestic Violence Unit, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Arthur Stellini; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Arthur Stellini, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Friday asked Deputy Chief Welch for an update on the Academy class.

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Chief Welch addressed the Commission stating that one academy class was rescheduled because in order to be cost effective, each class should have at least 45 recruits. The academy class was due to begin in January but will start this month instead in order to add more recruits.

Commissioner Perry asked Chief Welch regarding the plans on police officers replacing the National Guard at the Airport.

Chief Welch stated that Chief Bruce is working on the plan and that they anticipate using officers who are off duty to come in on overtime to fill the spots left open by the National Guard. Chief Welch stated that the department's current staff was 2170 officers and anticipate that a pool of about 1300 to select on a voluntary basis. Chief Welch also stated that Chief Bruce should have a report on the plan next week.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Welch stated that Chief Lau is still on vacation and that Assistant Chief Sanders is attending a meeting with the Mayor. Chief Welch also stated that the department will be conducting a Captain's examination within the next two weeks.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting Director Donna Medley informed the Commission that

Assistant OCC Director Jean Field is the mother of a new baby girl and that both mother and baby are doing well.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:45 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 10, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Benjamin J. McAlister, Support Services (File No. C00-281 JWA)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Memorandum of Understanding between the San Francisco Police Department and the African American Community Police Relations Board
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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APRIL 10, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 28-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER BENJAMIN J. MCALISTER, SUPPORT SERVICES (FILE NO. C00-281 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Benjamin J. McAlister, Star No. 738, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Benjamin J. McAlister; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Benjamin J. McAlister, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the next Commission meeting will be held at Taraval Police Station on April 17th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Welch, for Chief Lau, deferred his time to Deputy Chief Rick Bruce who reported to the Commission on Airport Security plans. A printed cover sheet that covered the Airport Security Plan was given to the Commission.

The Commission asked Deputy Chief Bruce to explain in more details a few points and to keep the Commission updated on the Airport Security situation.

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OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director Ms. Donna Medley addressed the Commission and reported on three issues. The OCC office had added another investigation to assist in the investigation of the Hunters Point incident that occurred on Martin Luther King's birthday. Ms. Medley stated they are investigating the shooting that occurred at Geneva and Mission Streets and that they have been asked to speak at the Bayview Station Community meeting in May.

DISCUSSION AND ACTION RE: MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO POLICE DEPARTMENT AND THE AFRICAN AMERICAN COMMUNITY POLICE RELATIONS BOARD

Sergeant Con Johnson spoke on the issue of the memorandum of understanding between the San Francisco Police Department and the African American Community Police Relation Board. He introduced the members of the Community Board. Minister Christopher Mohammad addressed the Commission.

Thereafter, Commissioner Quaranta made a motion for the Police Commission to adopt a resolution expressing support of the memorandum of understanding between the Department and the African American Community Police Relation Board. The motion was second by Commissioner Perry. Approved 5-0.

RESOLUTION NO. 29-02

RESOLUTION EXPRESSING SUPPORT OF MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT AND THE AFRICAN AMERICAN COMMUNITY POLICE RELATIONS BOARD

WHEREAS, the San Francisco Police Department has entered into a Memorandum of Understanding between the Department and the African American Community Police Relations Board; and

WHEREAS, the purpose of the Community Police Relations Board is to work cooperatively with the African American Community and Law Enforcement to resolve identified problems and incidents that adversely impact the interests of the African American community;

WHEREAS, the San Francisco Police Department agrees to provide access to the community policing programs that directly impact the African American community;

WHEREAS, the Chief of Police has agreed to have regularly scheduled monthly meetings with the Board to improve Community Relations; and

WHEREAS, the San Francisco Police Department has designated Sergeant Cornelius H. Johnson to be the Liaison Officer between the San Francisco Police Department and the African American Community Board; now, therefore, be it

RESOLVED, that the San Francisco Police Commission expresses its support of the Memorandum of Understanding between the Department and the African American Community Police Relations Board, and adopts its laudatory purposes.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

Van Jones addressed the Commission regarding alleged police brutality.

Mark Schlosberg, ACLU, addressed the Commission regarding police practice and handed out a printed 4-page letter to the Commission.

Unidentified woman wanted to sing a song to the Commission.

Father of Richard Timm (person shot by police officers at Geneva/Mission) addressed the Commission regarding the incident.

Sister of Richard Timm expressed her concerns that her brother, who had a mental problem, was not a violent person.

Mrs. McGregor, mother of woman who was shot accidentally at Mission/Geneva, discussed concerns.

Cynthia Hooper, sister of shooting victim shot by Officer Steven Lee, expressed her concerns on police brutality against her brother.

Sister of Mr. Hooper stated that the killing of her brother was not

justified.

The mother of Idress Stelly, shot and killed last year at the Metreon, stated that she is concern that other young men will be shot by police.

Susan McAlister, mother of 13-year old girl who was involved in the Hunter's Point incident, discussed concerns.

Ms. Bishop asked the Commission to keep bad police officers out of the neighborhood.

Rena Brown, friend of children involved in the Hunters Point incident, read a poem.

Gwen Sacco addressed the Commission regarding her OCC complaint.

Ms. Hawkins discussed concerns regarding police brutality.

Francisco Decosta discussed concerns regarding police brutality.

Karen Lang discussed concerns regarding police brutality.

Ms. Rodgers discussed concerns regarding police brutality.

Leroy More discussed concerns regarding police brutality.

Ms. Brody discussed concerns regarding police brutality.

Mrs. Bueler discussed concerns regarding police brutality.

Ms. Kissi discussed concerns regarding police brutality.

Unidentified discussed concerns regarding police brutality.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The San Francisco Police Commission
and the Officers of Taraval Station
invite you to attend

A Special meeting of the Police Commission
Wednesday April 17th, 2002
6:00PM

Taraval Police Station Community Room
2345 24th Avenue

This is your yearly opportunity to address the governing body of the San Francisco Police Department, Residents of the Taraval District are invited to voice their concerns directly to the Commissioners, Chief Fred Lau and the Police Department Command Staff.

Captain Denis F. O'Leary will present a

"State of the District Report"

A public comment period will follow.

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 17, 2002
6:00 p.m.

TARAVAL DISTRICT
TARAVAL STATION COMMUNITY ROOM
2345 24TH Avenue
San Francisco

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Approval of Awards Committee Recommendation
7. Captain Denis O'Leary, Commanding Officer of Taraval Station, to address the Commission on Police Activities in the Taraval District
8. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**There will be Public Comments an any item before or during discussion of each item.*

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The proceeding will be held at: Taraval Police Station Community Room, 2345 24th Ave.

Accessible MUNI lines serving this location is: "L" Street Car Line; Wayside Platform
For information about MUNI service call 923 6142

The closest BART Station is: n/a

Accessible parking 2345 24th Avenue; Free parking on Santiago along McCoppin Square

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

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The Police Commission of the City and County of San Francisco met in the Taraval District in the Taraval Station Community Room, 2345 24th Avenue, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan introduced himself and the other Commissioners.

Deputy Chief Welch, for Chief Lau, introduced himself and the command staff. Deputy Chiefs Bruce, Fong and Pengel, Commanders Harper and Hom were present.

Deputy Chief Pengel addressed the Commission and the community that two suspects were arrested on this date for a 1995 rape on DNA evidence gathered by way of a new state grant to submit DNA evidence through a new forensic process for unsolved sexual assault and murder cases.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Welch deferred to Captain O'Leary.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET AND SUMMARY OF RECENT EVENTS

Acting Director Donna Medley introduced herself and described the function and duties of the OCC.

APPROVAL OF AWARDS COMMITTEE RECOMMENDATION

Motion by Commissioner Perry, second by Commission Makras. Approved 4-0.

Commissioner Chan introduced Commissioner Quaranta who just arrived.

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RESOLUTION NO. 30-02

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on Thursday, March 28, 2002; and

WHEREAS, Chief of Police Fred H. Lau has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officers Matthew Maciel, Joseph Salazar, Isaac Espinoza, and Derrick Jackson are hereby awarded Silver Medals of Valor and granted rewards of $1000.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officers John Keesor, *Paul Lozada**, *Michael Alexander**, Ricardo Guerrero, Kevin Labanowski, *Jon Kasper**, Britt Elmore,

Chris Woon, Timothy Fowlie, Shaughn Ryan, and Leonard Broberg are hereby awarded Bronze Medals of Valor and granted rewards of $500.00 each, as provided for under said Section of the Charter.

*(*Recipient of Two (2) Bronze Medals)*

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

CAPTAIN DENIS O'LEARY, COMMANDING OFFICER OF TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TARAVAL DISTRICT

Captain O'Leary, Commanding Officer of Taraval Station, addressed the Commission and the community and informed them of the activities that are occurring within the district and what his officers are doing to address concerns within the district.

PUBLIC COMMENTS

Maria Capinzato, OMI Area, wanted to thank the captain and the officers of the Taraval Neighborhood Team (TNT) for a job well done.

Unidentified male wanted to ask the captain to increase patrol to combat auto burglary.

Connie Hutchinson thanked the Chief and the commission for accepting the heart defibulator given to Taraval Station last year.

Joe Vantesca addressed the issue of speeding cars on Sunset Blvd.

Captain O'Leary responded to his concerns.

Unidentified female, co-owner of Java Beach on Judah and 45th Avenue, asked for more foot patrol or bike patrol in the area.

Thereafter, the meeting was adjourned at 7:10 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 24, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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4/24/02

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No meeting next week, 5/1/02.

Commissioner Perry inquired about Racial Profiling and asked for an updated report.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau briefed the Commission regarding recent Israel/Palestine demonstration. Chief commended officers involved for a job well done

Commissioner Friday stated that he saw the demo on TV and saw that the officers handled it well. He commended Captain Fagan, Northern, for a job well done during the demonstration.

Commissioner Chan inquired about Airport Security. Deputy Chief Bruce responded.

Commissioner Makras inquired about funding of Airport security and asked that something be done regarding funding.

Chief Lau announced that he submitted an application for one of the 81 Federal Security Directors with TSI; SFO, San Jose Airport, and Oakland Airport.

Chief Lau also briefed the Commission on his recent trip to Asia and talked about Community Policing Exchange and Training Program with sister city of Shanghai.

Chief Lau asked that the following be included in the minutes:

"Letter of Intent for Cooperation in Community Policing Exchange and Training Program between the San Francisco Police Department USA and the Shanghai Municipal Public Security Bureau PRC

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At the invitation of Mr. Wu Zhiming, Director General of Shanghai Municipal Public Security Bureau, the delegation headed by Mr. Fred Lau, Chief of San Francisco Police Department USA paid a goodwill visit to Shanghai from march 21 to march 26, 2002. During the visit, both sides conducted a candid and friendly exchange of briefings on each other's policing and discussed policing exchange and training program. Based on this, both sides, in accordance with the intent for exchange in legal affairs included in jointly signed the "Memorandum On Friendly and Mutual Beneficial Exchange Program Between San Francisco and Shanghai." The following represents the common view of the Community Policing Exchange and Training Program.

1. **Purpose**

   On the principle of equality, mutual benefit and consultation, San Francisco Police Department and Shanghai Municipal Public Security Bureau set up a community policing exchange and training program aimed at enhancing their friendly cooperation between the two sides.

2. **Contents**

   The training program covers: crime prevention, police education system, law enforcement processes, community policing as well as the application of high-technology in policing work. Necessary facilities for inspection, exchange and training will be provided by the hosting agency.

3. **Form**
From 2003, either side shall send one or two community policing training groups to the other side for friendly exchange in every two years. The specific ways to implement the program are as follows:

3.1 Invitation
Three months prior to the visit by San Francisco Police Department USA or Shanghai Municipal Public Security Bureau PRC, the visiting side will forward the visiting intention to the recipient side, and the latter shall issue an invitation within 20 days and provide convenience for the visiting side.

3.2 Number of the visitors
The training group to China sent by San Francisco Police Department shall consist of a maximum 8 persons, while that sent by Shanghai Municipal Public Security Bureau PrC to US shall include an equal number of persons.

3.3 Duration of the exchange visit
The duration of visit for each police training group is as a maximum of two (2) weeks.

3.4 Expenses
On an equal base, the recipient side shall in principle bear the cost of board, lodging, transportation and other relevant expenses within the host country for the training groups of the visiting side with the international travel expenses excluded.

3.5 Contact
The coordinator for the American side is the training and education manager, San Francisco Police Department. The coordinator for the Chinese side is the director of the Foreign Affairs Division, Shanghai Municipal Public Security Bureau.

3.6 Notification
Either side shall notify the other in written form should it have concerns, so that both sides will resolve the issue.

4. **Validity/Termination**
The present letter of intent for the cooperation in policing exchange and training program shall be effective as of the date of its signature and it shall remain in force unless either side requests its termination by serving a written notice to the other side.

5. **Others**
All other aspects of this letter of intent should agree to the San Francisco and Shanghai Sister City Program."

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Donna Medley, Acting OCC Director, stated that OCC hired a new temporary investigator and business system analyst. She also stated that the OCC has a member of the Romanian Parliament visiting the office.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:03 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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5/1/02
No Meeting

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, May 1, 2002. The next Police Commission Regular Meeting will be on **Wednesday, May 8, 2002**, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 8, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Discussion and Action re: "Findings of Fact" in the matter of Sergeant Andrew Blackwell, Support Services, (File No. C99-169 JWA)
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
8. Hearing and Disposition on Disciplinary Charges filed against Sergeant Gene Powers, Planning Division, (File No. C01-386 JWA)

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*There will be Public Comments on any item before or during discussion of each item.

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For information about the meeting call 553 1667(v) or 553 9194 (tty)

MAY 8, 2002 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the next district meeting will be held on May 29th at the Tenderloin Police Station.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders addressed the Commission and discussed the issue of traffic stop (Racial Profiling) which was the subject of a newspaper article in the Chronicle.

Deputy Chief Bruce, Airport Bureau, addressed the Commission and discussed the issue of the police department staffing the checkpoint screening at SFO. SFPD will begin staffing the checkpoints on Friday, may 10th. The National Guard leaves the same day.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Donna Medley, Acting OCC Director, addressed the Commission and spoke of the following issues:

1. OCC have been conducting interviews and hope to fill the vacant investigator's position soon.

2. OCC attended the "ROSES" community meeting in the Bayview District, and addressed some of the community's concerns.

DISCUSSION AND ACTION RE: "FINDING OF FACT" IN THE MATTER OF SERGEANT ANDREW BLACKWELL, SUPPORT SERVICES, (FILE NO. C99-169 JWA)

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Jerry Akins, MCD, and Margaret Pendergast, for Sgt. Blackwell, spoke on the issue of the Findings of Fact. Commissioner Perry made motion to accept the findings of fact, second by Commissioner Quaranta. Passed 4-0. Commissioner Friday did not vote on the issue due to the fact that he was not involved in the Commission's ruling at Sgt. Blackwell's hearing.

RESOLUTION NO. 31-02

ADOPTION OF FINDING OF FACTS IN THE MATTER OF SERGEANT ANDREW BLACKWELL, SUPPORT SERVICES (FILE NO. C99-169 JWA)

RESOLVED, that the Police Commission adopts "Finding of Facts" in the matter of Sergeant Andrew Blackwell, Support Services (File No. C99-169 JWA).

AYES: Commissioners Chan, Perry, Quaranta, Makras
EXCUSED: Commissioner Friday

PUBLIC COMMENTS

Ms. Lasurray addressed the Commission and command staff on the issue of traffic stops (racial profiling).

Michael addressed the Commission on the issue of traffic stops of African-Americans (racial profiling).

HEARING OF SERGEANT GENE W. POWERS, PLANNING DIVISION (FILE NO. C01-386 JWA)

The hearing of Sergeant Gene W. Powers, Star No. 588, Planning Division, was called it having been set for this date. Sergeant Powers was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which undermines the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department general Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Use of department provided telephones to engage in illegal gambling activities (violation of Rule 23 of Department General Order 2.01);

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Gene Powers appeared in person and was represented by Mr. Steve Johnson, POA.

Sergeant Gene Powers admitted to the truth of the allegations contained in Specifications No. 1 and No. 2 and accepts responsibility for his actions.

The Police Commission unanimously accepted the plea of Sergeant Powers.

Based on Sergeant Powers' admission, the Commission requested a recommendation from Chief of Police Fred H. Lau.

It is the recommendation of Chief of Police Fred H. Lau that Sergeant Gene Powers be terminated, with termination held in abeyance for five (5) years on the following conditions: (1) That Sergeant Powers be suspended for sixty (60) days, with forty-five (45) days imposed forthwith and fifteen (15) days held in abeyance for five (5) years, on condition that he not receive any sustained complaints of misconduct for the five years; and (2) That for the full five (5) years, Sergeant Powers participate in a program analogous to and fashioned to include all the terms of the alternative to punishment program outlined in Department General Order 11.11, with the exception that it shall deal with treatment for compulsive gambling.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 32-02

DECISION - HEARING OF SERGEANT GENE W. POWERS, PLANNING DIVISION (FILE NO. C01-386 JWA)

WHEREAS, on December 28, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Gene W. Powers, as follows:

SPECIFICATION NO. 1:
Engaging in conduct which undermines the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department general Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Sergeant Gene W. Powers, Star number 588, (herein referred to as "the accused" was a police officer employed by the San Francisco Police Department holding the rank of Sergeant of Police and assigned to the Planning Division of the Administration Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) During the month of December 2000, investigators from the Vice Crimes Division investigated the activities of a bookmaking operation in San Francisco. The investigators uncovered telephone records indicating that bets were received from a telephone number assigned tot he San Francisco Police Department, Planning Division. The records revealed that the accused made a number of telephone calls during the period of timc commencing September 9, 2000 and ending December 5, 2000, planning illegal wagers for his own account on the results of sporting events. The specific telephone from which at some of the bets had been placed was the telephone on the accused's desk and assigned for his use. The investigators also uncovered cellular telephone records indicating that the cellular telephone assigned to the accused had been used to place bets while the accused was off-duty;

(4) By making numerous illegal wagers on sporting events, the accused engaged in conduct which in a criminal context violated California Penal Code § 337a(6), which states:

> "Every person,
> . . . .
> 6. Who lays, makes, offers, or accepts any bet or bets, or wager or wagers, upon the result, or purported result, of any trial, or purported trial, or contest, a purported contest, of skill, speed or power of endurance of man or beast, or between men, beasts, or mechanical apparatus, is punishable by imprisonment in the county jail for a period of not more than one year or in the state prison.
> . . . .
> This section shall apply not only to persons who may commit any of the acts designated in subdivisions 1 to 6 inclusive of this section, as a business or occupation, but shall also apply to every person or persons who may do in a single instance any one of the acts specified in said subdivisions 1 to 6 inclusive."

(5) The accused, by making illegal wagers on sporting events, engaged in conduct, which in a criminal context violates California Penal Code § 337a(6), any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment, therefore, such conduct undermines the good order, efficiency or discipline of the Department, and reflects discredit upon the Department in violation of Rule 9 of Department General Order 2.01, which states:

> "MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2
Use of department provided telephones to engage in illegal gambling activities (violation of Rule 23 of Dcpartment General Order 2.01);

(6) The allegations contained in paragraphs 1 through 5 of Specification No. 1, are realleged as though set forth in full;

(7) Some of the aforementioned illegal wagers were made from the desk telephone assigned to the accused while the accused was on duty. The accused, by participating in an illegal bookmaking operation while on duty violated Rule 1of Department General Order 2.01, which states:

"1. ATTENTION TO DUTY. The basic mission of the San Francisco Police Department and its officers is to protect life and property, to preserve the peace, prevent crime, enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law. While on-duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

(8) The accused, by using a department cellular telephone to participate in an illegal bookmaking operation, violated rule II-A-1 of Department General Order 10.07, which states:

"II. POLICY
A. GENERAL. Members shall comply with the following policies:
1. Call shall be strictly limited to official police business."

(9) The accused, in failing to devote his time to the prevention of crime by violating the laws he was sworn to enforce and in using a department issued cellular telephone to place bets with a known illegal bookmaking operation, used department property in violation of department policies and procedures which violated Rule 23 of Department General Order 2.01, which states:

"23. USE OF DEPARTMENT PROPERTY. Members shall use Department property according to Department policies and procedures. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner and not allow unauthorized persons in police vehicles or allow them to use Department equipment. Authorization under special circumstances may be granted by a superior officer."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on May 8, 2002, where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Sergeant Gene Powers' admission, the Commission finds the allegations contained in Specifications No. 1 and No. 2 of the disciplinary charges as preferred by Chief of Police Fred H. Lau against Sergeant Powers are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

SPECIFICATION NO. 2 Sustained

That Sergeant Gene Powers be terminated, with termination held in abeyance for five (5) years on the following conditions:

(1) That Sergeant Powers be suspended for sixty (60) days, with forty-five (45) days imposed forthwith and fifteen (15) days held in abeyance for five (5) years, on condition that he not receive any sustained complaints of misconduct for the five (5) years; and

(2) That for the full five (5) years, Sergeant Powers participate in a program analogous to and fashioned to include all the terms of the alternative to punishment program outlined in Department General Order 11.11, with the exception that it shall deal with treatment for compulsive gambling.

FURTHER RESOLVED, that said forty-five (45) days suspension shall commence on Friday, May 17, 2002, at 0001 hours, and terminate on Sunday, June 30, 2002, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

Thereafter, the meeting was adjourned at 6:20 p.m.

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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LT. EDWARD GEETER
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 15, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant Damon Z. Keeve, Support Services (File No. C01-175 JWA)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: 911 Fee Legislation - Emergency Response Fee
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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MAY 15, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 33-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT DAMON Z. KEEVE, SUPPORT SERVICES (FILE NO. C01-175 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Sergeant Damon Z. Keeve, Star No. 944, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Damon Z. Keeve; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Damon Z. Keeve, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders, for Chief Lau, informed the Commission that the Department is in the process of following the budget as it goes through the Board of Supervisor's process.

Deputy Chief Bruce reported that the City and Airport is still in the process of waiting the Memorandum of Agreement (MOA) with the Department and a report most likely will be ready for review at next week's Commission meeting.

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OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Donna Medley, Acting OCC Director, reported on activities of the OCC. She also informed the Commission that the OCC will be meeting with Supervisors to report on the OCC budget on May 21st.

DISCUSSION AND ACTION RE: 911 FEE LEGISLATION - EMERGENCY RESPONSE FEE

Ms. Thera Bradshaw, Emergency Communication Department (ECD) Director, addressed the Commission and requested that the Police Commission approve the emergency response fee for the 911 Legislation. Commissioner Quaranta made a motion to approve the 911 Fee Legislation, second by Commissioner Makras. Approved 5-0.

RESOLUTION NO. 34-02

APPROVAL OF THE POLICE COMMISSION TO SUPPORT THE ACTION OF THE BOARD OF SUPERVISORS AMENDING THE EMERGENCY RESPONSE FEE ORDINANCE

WHEREAS, in December 1993, the Board of Supervisors approved an ordinance authorizing an Emergency Response Fee that required subscribers to telephone services in the City and County of San Francisco to pay a fee which directly related to the benefit subscribers derive from improvements in the 9-1-1 communication system; and

WHEREAS, revenues derived from the Emergency Response Fee were used to finance the acquisition and construction of land, equipment, software, and facilities needed to provide an adequate and reliable 9-1-1 communication system; and

WHEREAS, in October 1997, the Board of Supervisors approved an ordinance to increase the Emergency Response Fee from $0.50 per month per access line or $2.50 per month per trunk line to $1.00 per month per access line or $5.00 per month per trunk line and to increase the lifetime cap on the collection of the fee from $50 million to $100 million; and

WHEREAS, an ordinance approved by the Board of Supervisors on May 6, 2002 revising the Emergency Response Fee to increase the monthly fee for trunk lines and to authorize the use of the fee for operating expenses and to eliminate the lifetime cap of $100 million; now, therefore be it

RESOLVED, that the Police Commission supports the action of the Board of Supervisors amending the Emergency Response Fee Ordinance.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

Andrea O'Leary addressed the Commission on the newly approved dog leash law approved by the Board of Supervisors. She requested that the Police Commission follow the enforcement of the new law.

Thereafter, the meeting was adjourned at 6:10 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

MAY 22, 2002 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that next week's meeting will be held at the Tenderloin Police Station, 301 Eddy Street. Commissioner Chan also asked Chief Lau if he was preparing for the Commission the Annual Report to The Board of Supervisors regarding civilianizing the Police Department.

Chief Lau informed the Commission that the report is being put together and should be ready by next week.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau reported to the Commission the state of the Police Department in response to the articles in the newspapers the past few days. Chief lau presented to the Commission a 30-day plan, a 60-day plan, and a 90-day plan in response to the newspaper articles, and asked for the Commission's assistance in implementing some points of his plans.

The Commission thanked the Chief and voiced their support of the Chief and the Department.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Donna Medley, Acting OCC Director, addressed the Commission and gave the OCC's support to the Chief's plan of action. She also stated that the OCC had met with the Board of Supervisors Budget committee and reported on the OCC's budget.

Mr. David Aulet, OCC Investigator, addressed the Commission and reported on his attendance of a Latino Services Network held at City College. The hope is to develop a program in which City College students serve as college work-study interns at the OCC.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:25 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 22, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

MAY 22, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that next week's meeting will be held at the Tenderloin Police Station, 301 Eddy Street. Commissioner Chan also asked Chief Lau if he was preparing for the Commission the Annual Report to The Board of Supervisors regarding civilianizing the Police Department.

Chief Lau informed the Commission that the report is being put together and should be ready by next week.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau reported to the Commission the state of the Police Department in response to the articles in the newspapers the past few days. Chief lau presented to the Commission a 30-day plan, a 60-day plan, and a 90-day plan in response to the newspaper articles, and asked for the Commission's assistance in implementing some points of his plans.

The Commission thanked the Chief and voiced their support of the Chief and the Department.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Donna Medley, Acting OCC Director, addressed the Commission and gave the OCC's support to the Chief's plan of action. She also stated that the OCC had met with the Board of Supervisors Budget committee and reported on the OCC's budget.

Mr. David Aulet, OCC Investigator, addressed the Commission and reported on his attendance of a Latino Services Network held at City College. The hope is to develop a program in which City College students serve as college work-study interns at the OCC.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:25 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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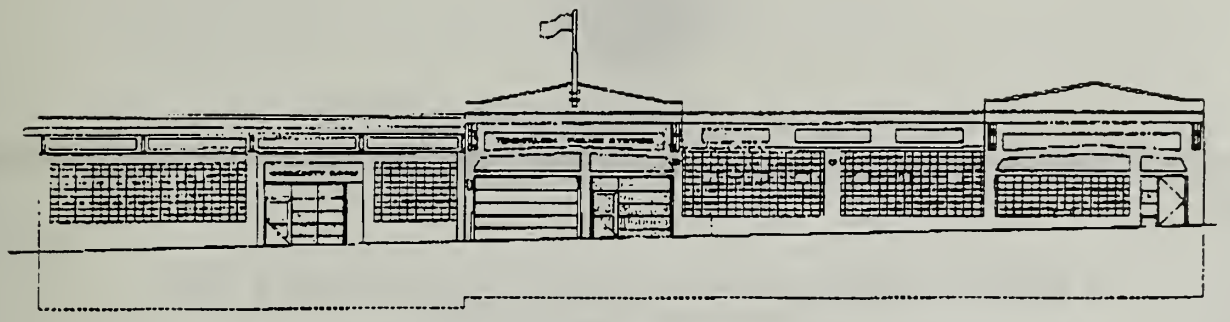

The Tenderloin Police Station will be hosting a meeting of the San Francisco Police Commission on Wednesday, May 29th, 2002 at 6:00 p.m.

The meeting will be held in the Community Room of the Tenderloin Station at 301 Eddy Street.

Please attend this meeting to hear about recent events and plans for police and community programs in the future.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 29, 2002
6:00 p.m.

TENDERLOIN DISTRICT
TENDERLOIN STATION COMMUNITY ROOM
301 Eddy Street
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer James McKeever, Traffic (File Nos. C00-295 JWA & C02-033 JWA)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
7. Captain Stephen Tacchini, Commanding Officer of Tenderloin Station, to address the Commission on Police Activities in the Tenderloin District
8. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**There will be Public Comments on ony item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724; FAX (415) 554-5163; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at: The Tenderloin Police Station Community Room
301 Eddy Street, San Francisco

Accessible MUNI lines serving this location is: 31 Balboa & 27 Bryant, Muni Metro Powell Stree
For information about MUNI service call 923 6142

The closest BART Station is: Powell Street Bart Station

Accessible parking at the Tenderloin Police Station

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

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The Police Commission of the City and County of San Francisco met in the Tenderloin District, at the Tenderloin Police Station Community Room, 301 Eddy Street, San Francisco, at 6:14 p.m., in a Regular Meeting.

PRESENT: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

RESOLUTION NO. 35-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES MCKEEVER, TRAFFIC (FILE NOS. C00-295 JWA & C002-033 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer James McKeever, Star No. 857, Traffic, was called it having been set for this date; and

WHEREAS, Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer James McKeever; therefore be it

RESOLVED, that Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer James McKeever, and is to be set at a later date.

AYES: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Perry introduced herself to those in attendance and Commissioners Friday, Quaranta and Makras introduced themselves. Commissioner Perry then acknowledged Supervisor Day, three City Attorneys, and an Assistant District Attorney.

Chief Lau introduced himself and the members of the command staff. Assistant Chief Sanders, Deputy Chiefs Bruce and Fong, Commanders Harper, Hom and Suhr were present.

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Commissioner Makras addressed the Commission and the Community regarding three issues: (1) He had received the MOU between the Airport Commission and the Police Department as it relates to policing the Airport. (2) He asked the Chief for an update by next week on the issue of the police helicopter. (3) He asked the Chief for a report on the issue of rejected dance hall permits. How many applications were received? How many were rejected from January 1st to present time.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau deferred his comments to Captain Tacchini.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Ms. Mary Dunlap, OCC Director, introduced herself and described the function of the OCC. She also introduced OCC investigators Pat Dalton and Jason Webster.

CAPTAIN STEPHEN TACCHINI, COMMANDING OFFICER OF TENDERLOIN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain Tacchini briefed the Commission and the community on the activities in the Tenderloin District.

PUBLIC COMMENTS

Marvis Phillips, President of the North of Market Planning Coalition, presented Chief Lau a Certificate of Appreciation.

David Aralobos, Tenderloin District resident, commended Captain Tacchini for a job well done in the neighborhood.

Unidentified female asked for information on the citizen corps. Chief Lau stated that the information has not been given to the Department and as soon as the department receives said information, it will be forwarded to the Tenderloin Station.

Mr. Pastor, community worker in the area of 128 Jones, commended Captain Tacchini and asked for more assistance in the area.

Unidentified male asked the Chief for assistance in contacting a brother of a deceased friend. Chief Lau asked the information be given to Sgt. Palma to see what can be done.

Unidentified male thanked Captain Tacchini for the help he has given the community and asked for more patrol officers near his mosque at 20 Jones.

Ms. B. Love, Salvation Army Lieutenant, thanked the Captain and the officers of the Tenderloin District for the safety the Salvation Army volunteers feel in the district.

Steve Hanson asked the department for assistance in regaining lost property. He explained that an officer had called him and stated that his property was found and to come to the Hall of Justice to pick it up. Upon his arrival at the Hall of Justice, the property was not located. Chief Lau asked Mr. Hanson to give the information after the meeting and it will be looked into.

Gail Woods, resident, asked for help in cleaning up Golden Gate Avenue and Jones Streets.

Stephen Smith, youth group worker, wanted to help police in the youth activities in the neighborhood.

Mr. Marshall thanked Captain Tacchini and officers of the Tenderloin Station.

Lee Corriea commended the officers of Tenderloin Station and asked the Commission to think of a way to solve crime problems in the neighborhood.

Carlos Hernandez commended officers of the Tenderloin but asked for more police presence in the area of 80 Turk Street.

Thereafter, the meeting was adjourned at 7:15 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY COMMISSIONER ANGELO QUARANTA IN THE DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL J. MONTERO, SUPPORT SERVICES (FILE NO. C01-458 JWA)

The hearing for taking of evidence in the disciplinary charges filed against Officer Michael J. Montero, Star No. 1409, Support Services, was called at 9:10 a.m., on Tuesday, June 4, 2002, it having been set for June 4, 2002.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Michael J. Montero appeared in person and was represented by Mr. Earl Disselhorst, Attorney at Law.

The following witnesses appeared for the Department, were sworn and testified:

Officer Kobie West, ABC Officer
Officer Philip Wooley, Hayward Police Department
Sergeant Arthur Wydler, Hayward Police Department
Officer Eric Hutchinson, Hayward Police Department
Officer Matt Rose, Hayward Police Department

The following witnesses appeared for the Officer, were sworn and testified:

Captain Marsha Ashe
Sergeant Bernard McNeil
Officer Michael Shea
Mr. John Ballinger
Ms. Nina Hyland

The following exhibits were identified and entered into evidence by the Department:

Exhibit No. 1	C.A.D. Printout Hayward Police Department, dated 8/11/01

The following exhibits were entered for identification by the Department:

Exhibit No. 2	Page 12 of The Memorandum of Understanding between the Police Officers Association and the City and County of San Francisco, 2001-2003, describing Probationary Period and Step Advancement

The following exhibits were identified and entered into evidence by the Officer:

Exhibit D	Printout of General Order 5.07, "Right of Onlookers"
Exhibit F	Printout of Penal Code Section 148 PC
Exhibit H	Photo of a white vehicle, 1998 Jeep

The following exhibit were entered for identification by the Officer:

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Exhibit A	Hand drawing of the scene at the Hollow Leg Bar
Exhibit A1	Clear plastic overlay of the drawing of the scene at the Hollow Leg Bar
Exhibit A2	Clear plastic overlay of the drawing of the scene at the Hollow Leg Bar
Exhibit B	SFPD Certificate of Release Form, 849B
Exhibit C	Silver piece of gum wrapper paper
Exhibit E	Printout of Penal Code Section 240 PC and 241 PC
Exhibit G	Handwritten statement by witness John Ballinger
Exhibit I	Copy of memo, Outstanding Auto Burglary Arrest

The meeting was then adjourned.

(The entire proceedings were taken in shorthand form by Ms. Jennifer Yang, CSR)

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

45

5/02

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 5, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

1. Roll Call

2. Public Comments on all maters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Cheryl C. Jessee v. CCSF/SFPD, et al, Superior Court No. 321-661

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 5, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Cheryl C. Jessee v. CCSF/SFPD, et al, Superior Court No. 321-661

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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JUNE 5, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:20 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Cheryl C. Jesse v. CCSF/SFPD, et al., Superior Court No. 321-661

PRESENT: Commissioners Chan, Perry, Makras
ABSENT: Commissioners Friday, Quaranta

JUNE 5, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Makras
ABSENT: Commissioners Friday, Quaranta

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Commissioner Perry made a motion not to disclose discussion taken in Closed Session. The motion was second by Commissioner Makras. Motion passed 3-0.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 36-02

CHERYL C. JESSE v. CCSF/SFPD, et al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Cheryl C. Jesse v. CCSF/SFPD, et al," in Superior Court Case No. 321-661, be, and the same is hereby approved.

Date of Incident: January 14, 1999 to February 29, 2000

AYES: Commissioners Chan, Perry, Makras
ABSENT: Commissioners Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau reported that he and members of his command staff addressed the Board of Supervisors regarding the Chronicle newspaper articles criticizing the police department in how it investigate crimes. Chief Lau stated that he was able to address the Board of Supervisors to their satisfaction that the department is doing a good job. The Chief further stated that the articles did not make it clear to the readers what the department does in investigating crimes.

Captain John Goldberg, Fiscal Division, addressed the Commission on the issue of the Helicopter Unit and why the funding was eliminated from the police budget.

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Commissioner Makras asked that the issue of the helicopter unit be placed on the Commission calendar for discussion and action so that the Commission can discuss and take action to attempt to keep or put the helicopter funding back into the budget.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Mary Dunlap, OCC Director, addressed the Commission on the activities of the OCC and informed the Commission that they had filled the vacant investigator position.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 7:05 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY COMMISSIONER ANGELO QUARANTA IN THE DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL J. MONTERO, SUPPORT SERVICES (FILE NO. C01-458 JWA)

The hearing for taking of evidence in the disciplinary charges filed against Officer Michael J. Montero, Star No. 1409, Support Services, was called at 9:10 a.m., on Tuesday, June 11, 2002, it having been continued from June 4, 2002.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Michael J. Montero appeared in person and was represented by Mr. Earl Disselhorst, Attorney at Law.

The following witnesses appeared for the Officer, were sworn and testified:

Mrs. Darleen Montero
Mr. Christopher Montero
Officer Michael Montero
Sergeant Steve Christie
Sergeant Eric Quema
Sergeant Mike Brown
Officer Jacob Fegan
Sergeant Albert Lee
Sergeant Christopher Pedrini
Sergeant Tim Plyer
Lieutenant Heinz Hofmann
Sergeant Mikail Ail
Officer Ken Nieman

The following exhibit were entered for identification by the Officer:

Exhibit J	Captain's Complimentary Report by Captain M. Ashe, dated April 9, 2001
Exhibit K	Captain's Complimentary Report, dated January 1, 2001
Exhibit L	Captain's Complimentary Report, dated December 10, 2000

The meeting was then adjourned.

(The entire proceedings were taken in shorthand form by Ms. Jennifer Yang, CSR)

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 12, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

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1. Roll Call

2. Public Comments on all maters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Arnulfo Felin vs. CCSF, Claim No. 01-03007

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 12, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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JUN 10 2002

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06-10-02A10:10 RCVD

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Discuss Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Presentation of OCC's Early Warning System (EWS) Reports for 2nd, 3rd, and 4th Quarters, Year 2001
9. Presentation of OCC's Annual Audit under SFPD General Order 8.10
10. Discussion and Action re: Financing of the San Francisco Police Helicopter Unit
11. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 12, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of $500.00, from Mr. C.B. Mulholland, for the Taraval Station's "Taraval Neighborhood Team"(T.N.T.) Annual Trip to Camp Mather

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*There will be Public Comments on any item before or during discussion of each item.

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(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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JUNE 12, 2002 **CLOSED SESSION**

The Police Commission of the City and County met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL
a. Arnulfo Felin vs. CCSF, Claim No. 01-03007

PRESENT: Commissioners Chan, Perry, Quaranta
ABSENT: Commissioners Friday, Makras

JUNE 12, 2002 **REGULAR MEETING**

The Police Commission of the City and County met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Quaranta, Makras
ABSENT: Commissioners Friday

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCUSS ACTION TAKEN IN CLOSED SESSION

Commissioner Chan announced that the Commission decided in Closed Session to accept the City Attorney's recommendation for settlement on the cases of Arnulfo Felin vs. CCSF, Claim No. 01-03007. Motion by Commissioner Perry, second by Commissioner Quaranta.

RESOLUTION NO. 37-02

ARNULFO FELIN vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Arnulfo Felin vs. CCSF" in Claim No. 01-03007, be, and the same is hereby approved.

Date of Incident: January 30, 2001

AYES: Commissioners Chan, Perry, Quaranta, Makras
ABSENT: Commissioners Friday

APPROVAL OF CONSENT CALENDAR

No vote taken. Put over for next Commission meeting on June 19th.

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POLICE COMMISSION ANNOUNCEMENTS
a. Motion of Calendaring of New Items

Commissioner Perry asked Chief Lau when Assistant Chief Sanders plans to report on traffic stops (racial profiling). Commissioner Perry stated that the report should be presented by next month.

Chief Lau stated that Chief Sanders was out of town but will report to the Commission on racial profiling issue ("Driving while Black of Brown").

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau asked Commander Suhr to report on two recent arrests within the past few days.

Commander Suhr reported that the Richmond District was the scene of several robberies over the weekend. With excellent police work, two suspects were arrested. He also stated that the Taraval District was the scene of numbers of burglaries. Captain O'Leary put a team together and a suspect was caught in the act of yet another burglary. The suspect admitted to over 61 robberies in the district.

Chief Lau stated that he will present a report on the "State of the Department" keeping within his 30-day, 60 day, and 90-day plan of action in response to the newspaper articles critical of the Police Department.

Deputy Chief Bruce and City Attorney Margaret Baumgartner reported on the states of the MOU between the Police Department and the Airport Commission on policing the airport.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap and Ms. Donna Medley reported on two issues regarding Items #8 and #9 of the agenda.

PRESENTATION OF OCC'S EARLY WARNING SYSTEM (EWS) REPORTS FOR 2ND, 3RD, AND 4TH QUARTERS, YEAR 2001

AND

PRESENTATION OF OCC'S ANNUAL AUDIT UNDER SFPD GENERAL ORDER 8.10

Director Dunlap and Ms. Medley presented the Early Warning System reports and the Annual Audit under SFPD General Order 8.10. Ms. Dunlap also requested that the department consider dropping those officers who appear on the Early Warning System Report when the OCC's investigation shows "Proper Conduct."

Director Dunlap also mentioned a report by the ACLU regarding racial profiling.

DISCUSSION AND ACTION RE: FINANCING OF THE SAN FRANCISCO POLICE HELICOPTER UNIT

Chief Lau reported on the issue of the state of the Helicopter Unit. He stated that with the Commission's approval he will present alternative funding possibilities to the Mayor's office. Thereafter, several speakers spoke on the issue of the need to continue the Helicopter Unit. The following speakers were: Retired Deputy Chief Joaquin Santos, Sergeant Dan Linehan, SFFD M. Johnson, POA Rep Steve Johnson, OFJ President Julian Hill, ACS B. Chan, Ms. M. Preacher, Mr. J. Aston, Mr. Bob Verado, and Mr. Tom Henry.

Thereafter, a motion was made by Commissioner Makras to continue the discussion regarding the Helicopter Unit in two weeks, giving Chief Lau the opportunity to look at alternative funding for the helicopter and to report those alternatives to the Mayor's office. Motion second by Commissioner Perry. Passed 4-0.

Motion by Commissioner Makras: "I'll move to continue the item for the Chief and to instruct the Chief to pursue State and Federal grants for the birds and any other funding mechanism possible. Motion will include that if those pursuits are not fruitful in money, that the Chief bring the Commission some options from funds within. That would conclude my motion."

PUBLIC COMMENTS

Mr. Ismael Tarik, new director of Bay Area Police Watch, announced that tomorrow there will be a memorial on the steps of City Hall commemorating the death of Idriss Stelli and asked if training for 5150 response have been implemented. Chief Lau responded that the training has been implemented.

Thereafter, the meeting was adjourned at 7:00 p.m.

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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JUNE 13, 2002 **SPECIAL MEETING**

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY COMMISSIONER VICTOR MAKRAS IN THE APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT JOHN BRAGAGNOLO, TARAVAL (FILE NO. M-DRA D01-013), OFFICER TERESA EWINS, MISSION (FILE NO. M-DRA D01-014), AND OFFICER CONSTANTINE ZACHOS, MISSION (FILE NO. M-DRA D01-015)

The hearing for taking of evidence in the Appeal of the Chief's Suspension of Sergeant John Bragagnolo, Star No. 941, Taraval, Officer Teresa Ewins, Star No. 733, Mission, and Officer Constantine Zachos, Star No. 1049, was called at 9:00 a.m. on Thursday, June 13, 2002.

Ms. Samara Marion and Ms. Cynthia Lie, Attorneys at Law, appeared on behalf of the Office of Citizen Complaints (OCC) and the San Francisco Police Department.

Sergeant John Bragagnolo appeared in person and was represented by Mr. Mark Nicco, Attorney at Law. Officer Teresa Ewins appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law. Officer Constantine Zachos appeared in person and was represented by Mr. James Collins, Attorney at Law.

The following witnesses appeared for the OCC and the Department, were sworn and testified:

Mr. Sharky Laguana
Mr. David Kostiner
Sergeant John Bragagnolo

The following exhibits were entered for identification by OCC and the Department:

Exhibit No. 1	Two (2) photo sheet of six (6) pictures of officers signed by Sharky Laguana
Exhibit No. 2	Two (2) photo sheet of six (6) pictures of officers signed by David Kostiner
Exhibit No. 3	OCC Complaint Form #293

The meeting was then adjourned.

(The entire proceedings were taken in shorthand form by Ms. Dawn Sandner, CSR)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 19, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Laurence B. Barker, Support Services (File No. C01-177 JWA)
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of $500.00, from Mr. C.B. Mulholland, for the Taraval Station's "Taraval Neighborhood Team" (T.N.T.) Annual Trip to Camp Mather

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*There will be Public Comments on any item before or during discussion of each item.

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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 38-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER LAURENCE B. BARKER, SUPPORT SERVICES (FILE NO. C01-177 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Laurence B. Barker, Star No. 1040, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Laurence B. Barker; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Laurence Barker, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Perry, second by Commissioner Quaranta. Approved 5-0.

RESOLUTION NO. 39-02

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF $500.00, FROM MR. C.B. MULHOLLAND, FOR THE TARAVAL STATION'S "TARAVAL NEIGHBORHOOD TEAM" (T.N.T.) ANNUAL TRIP TO CAMP MATHER

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $500.00, from Mr. C.B. Mulholland, for the Taraval Station's "Taraval Neighborhood Team" (T.N.T.) annual trip to Camp Mather.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that in response to inquiry from OCC Director Mary Dunlap regarding the process when the department and OCC disagree on filing charges against officers, the issue will be discussed in Closed Session with legal counsel on Wednesday, June 26, 2002.

Commissioner Quaranta announced that he will be out of the country for the month of July.

Commissioner Friday announced how proud he is of the department for

how the department responded during the week following the vehicle collision that took the life of Officer Jon Cook. He also stated that he has received many phone calls praising the actions of the department. Commissioner Friday also asked to consider the issue of the helicopter.

Commissioner Makras asked Chief Lau if the department could use asset seizure money from the Narcotic Unit to fund the helicopter unit. He asked two questions: (1) What is the amount of funds that the narcotic unit receives from asset seizure? And (2) What is the amount of funds spent?

Chief Lau stated that he would have to look into the possibility of using asset seizure funds.

Commissioner Perry announced that there will be no Commission meeting on July 3rd.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced Lieutenant James Leach, officer-in-charge of the Recruitment and Cadet Unit. Lt. Leach introduced cadets Carmen Barroet, Ryan Crosby, and Steve Spagnolo. Thereafter, Chief Lau presented the cadets with Certificates of Appreciation for completion of one year service.

Chief Lau updated the Commission on the condition of the officers that were involved in the vehicle collision that took the life of Officer Cook and the condition of the sergeant that was stabbed by a suspect.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap stated that the OCC budget, as of this date, is still going forward without cuts.

PUBLIC COMMENTS

Phillip Ryan, former member of the Ethics Commission, spoke on the issue of conflict of interest regarding the City Attorney representing the Commission and in turn representing the Chief.

Thereafter, the meeting was adjourned at 6:40 p.m.

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

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Commissioner

VICTOR MAKRAS
Commissioner

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 26, 2002
4:45 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

CLOSED SESSION

1. Roll Call
2. Public Comments on all matters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to San Francisco Administrative Code Section 67.11(b) to determine how to proceed on OCC Verified Complaint (OCC #0495-98)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 26, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Discussion and Action re: Financing of the San Francisco Police Helicopter Unit
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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JUNE 26, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 4:45 p.m., in Closed Session.

Close Session held pursuant to San Francisco Administrative Code Section 67.11(b) to determine how to proceed on OCC Verified Complaint (OCC#0495-98)

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

JUNE 26, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCLOSE DISCUSSION IN CLOSED SESSION

Commissioner Chan announced that the Commission, in Closed Session, have decided to advised the Chief of Police to file disciplinary charges on the officers named in OCC complaint #0495-98.

Commissioner Perry made a motion not to disclose their discussion in Closed Session. The motion was second by Commissioner Quaranta. Approved 5-0.

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Quaranta announced that he would be out of the country for the month of July and wanted to wish Chief Lau good luck in his new position and that it was a pleasure working with him.

Commissioner Makras asked the Chief to report on two issues: (1) Report regarding ACLU's Report on Driving While Black or Brown; and (2) Report on Dance Hall Permits and to include Grand Jury report on the issue.

DISCUSSION AND ACTION RE: FINANCING OF THE SAN FRANCISCO POLICE HELICOPTER UNIT

Chief Lau informed the Commission that Commander Hom is putting together a detailed report on the issue and he would request that a few more weeks to July 17th to be able to update the new Police Chief and administration. The Chief also stated that in the interim, he has placed on hold the sale of the helicopters.

City Attorney, Margaret Baumgartner, suggested that she work with the department in preparing the report due to the legal aspect dealing with narcotics seizure funds.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Pengel gave the Commissioners an update on the Police Department's 30-day, 60-day, and 90-day plan in response to the Chronicle

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articles criticizing the department in solving crimes. Chief Pengel, prior to the meeting, had presented the Commission with a flow sheet of what the department is doing and plans to address what appears to be a lack of response from the investigators.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap informed the Commission she has no report for the Commission. However, she wanted to thanked the Commission for approving the OCC request to file disciplinary charges in case no. OCc 0495-98.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

VICTOR MAKRAS
Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, July 3, 2002. The next Police Commission Regular Meeting will be on **Wednesday, July 10, 2002**, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 10, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Inspector James P. Zerga, Burglary (File No. C02-259 SCM)
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant Gregory W. Breslin, Investigations (File No. C02-256 SCM)
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Thomas Abrahamsen, Taraval (File No. 02-0234 SCM)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Arkady Zlobinsky, Taraval (File No. 02-0235 SCM)
7. Approval of Consent Calendar
8. Police Commission Announcements
   a. Motion of Calendaring of New Items
9. Chief's Announcements and Review of Recent Department Events
10. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
11. Discussion and Action re: Motion for Dismissal of Disciplinary Charges filed against Officer Phillip J. Gonzales (File No. C01-384 SCM) and Officer Kunthea Johnson (File No. C01-385 SCM) under Government Code 3304
12. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 10, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police to Acquire three (3) Mobile Decontamination Trailers from the State 1033 Program for Use by the Special Operations Division

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall @ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Taken out of order.

Commissioner Chan opened the meeting by stating he wanted to take some items out of sequence. He then addressed Chief Lau and told the Chief that he considers him a friend, a pleasure to work with, and good luck in his new position with the Federal Government.

Commissioners Perry, Friday, and Makras all congratulated Chief Lau and expressed their appreciation on the contributions Chief Lau had made for the betterment of the Police Department.

Commissioner Chan opened the meeting to Public Comments.

City Attorney Dennis Herrera addressed the Commission and expressed his appreciation for Chief Fred Lau for his support during the time he served on the Police Commission and his contribution to community policing.

Inspector Julian Hill, OFJ President, thanked Chief Lau for his work in the area of racial diversity during his 6 ½ years as Chief of Police.

Inspector Marion Jackson, former OFJ President, thanked Chief Lau for his leadership during his tenure as Chief of Police.

Mr. Chris Chow, a citizen of San Francisco, thanked the Chief for an outstanding job as Chief of Police.

Director Mary Dunlap, OCC, expressed her appreciation of Chief Lau and his Command Staff for working well with the OCC. She also expressed her feelings towards his leadership in protecting the citizens' First Amendment rights.

Assistant Chief Sanders expressed his appreciation of Chief Lau and stated that it has been a great partnership working together these past 6 ½ years.

RESOLUTION NO. 40-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR JAMES P. ZERGA, BURGLARY (FILE NO. C02-259 SCM)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Inspector James P. Zerga, Star No. 54, Burglary, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector James P. Zerga; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to

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conduct taking of evidence in the disciplinary charges filed against Inspector James P. Zerga, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

RESOLUTION NO. 41-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT GREGORY W. BRESLIN, INVESTIGATIONS (FILE NO. C02-256 SCM)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Sergeant Gregory W. Breslin, Star No. 2229, Investigations, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Gregory W. Breslin; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant W. Breslin and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

RESOLUTION NO. 42-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER THOMAS ABRAHAMSEN, TARAVAL (FILE NO. 02-0234 SCM)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Thomas Abrahamsen, Star No. 430, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Thomas Abrahamsen; therefore be it

RESOLVED, that Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Thomas Abrahamsen, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

RESOLUTION NO. 43-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ARKADY ZLOBINSKY, TARAVAL (FILE NO. 02-0235 SCM)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Arkady Zlobinsky, Star No. 537, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Arkady Zlobinsky; therefore be it

RESOLVED, that Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Arkady Zlobinsky, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Perry, second by Commissioner Makras. Approved 4-0.

RESOLUTION NO. 44-02

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACQUIRE THREE (3) MOBILE DECONTAMINATION TRAILERS FROM THE STATE 1033 PROGRAM FOR USE OF THE SPECIAL OPERATIONS DIVISION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to acquire three (3) mobile decontamination trailers from the State 1033 Program for use of the Special Operations Division.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau addressed the Commission and stated that it has been a pleasure to serve as Chief of Police for 6 ½ years. He stated that there had been times when the job was taxing, however, with the partnership he had with Assistant Chief Sanders, the command staff, and the Police Commission made it worth it. He also thanked Mayor Brown for giving him the opportunity to serve as the Chief of Police.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

None.

DISCUSSION AND ACTION RE: MOTION FOR DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER PHILLIP J. GONZALES (FILE NO. C01-384 SCM) AND OFFICER KUNTHEA JOHNSON (FILE NO. C01-385 SCM) UNDER GOVERNMENT CODE 3304

Attorneys Katherine Mahoney and Freya Horne, representing Officers Gonzales and Johnson, made oral arguments to the Commission to dismiss the listed charges under Government Code 3304.

Attorney Samara Marion, OCC, made oral argument against the dismissal of the listed charges.

Commissioner Chan announced that the Commission will deliberate regarding the issue in Closed Session on July 24th and announce their decision.

Thereafter, the meeting was adjourned at 7:10 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
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Commissioner

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Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD CERTER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

SPECIAL MEETING
THURSDAY, JULY 11, 2002
5:00 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

CLOSED SESSION

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1. Roll Call
2. Public Comments on all matters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54947

   PUBLIC EMPLOYEE APPOINTMENT/HIRING
   Title/description of position(s) to be filled:
   Chief of Police
5. Reconvene to **Open Session** in Room 551
6. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
7. Adjournment

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7/11/02
Special

JULY 11, 2002 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:00 p.m., in Closed Session.

PRESENT: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

PUBLIC COMMENTS

None

VOTE ON WHETHER TO HOLD CLOSED SESSION AND/OR ASSERT ATTORNEY/CLIENT PRIVILEGE TO CONFER WITH CODE SECTION 67.11(a) LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.11[a])

Commissioner Chan asked for a motion to hold a Closed Session. Commissioner Perry made a motion to go into a Closed Session. Motion second by Commissioner Makras. Approved 4-0 to go into Closed Session.

Prior to the Commission going into Closed Session, the Honorable Mayor Willie L. Brown, Jr., addressed the Commission and recommended the names of Earl Sanders and Alex Fagan to be considered as Chief and Assistant Chief of Police. Thereafter, the Commission left the hearing room to enter into Closed Session.

The meeting reconvened to Open Session where Commissioner Chan announced that the Commission unanimously approved the Mayor's selection of Earl Sanders and Alex Fagan as Chief and Assistant Chief of Police.

The Honorable Mayor Willie Brown administered the oath of office to the newly appointed Chief Earl Sanders and the newly appointed Assistant Chief Alex Fagan.

Chief Sanders and Assistant Chief Fagan thanked the Mayor and the Commission for their vote and confidence.

Thereafter, the meeting was adjourned at 5:50 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

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The San Francisco Police Commission
and the Officers of Ingleside Station
invite you to attend

A Special Meeting of the Police Commission
Wednesday, July 17, 2002
6:00PM

Ingleside Police Station Community Center
#1 John V. Young Lane

This is your opportunity to address the governing body of the San Francisco Police Department. Residents of the Ingleside District are invited to voice their concerns directly to the Commissioners. This meeting will be the first with the newly appointed Chief of Police.

Captain Kevin Dillon will present a

"State of the District Report"

A public comment period will follow.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 17, 2002
6:00 p.m.

INGLESIDE DISTRICT
INGLESIDE STATION COMMUNITY ROOM
#1 John V. Young Lane
San Francisco

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant Michael J. Moran, Park (File No. C02-257 SCM)
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Inspector Peter J. Siragusa, Vice (File No. C02-258 SCM)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
8. Approval of Awards Committee Recommendation
9. Discussion and Action re: Financing of the San Francisco Police Helicopter Unit
10. Captain Kevin Dillon, Commanding Officer of Ingleside Station, to address the Commission on Police Activities in the Ingleside District
11. Public Comments
    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**There will be Public Comments an ony item before ar during discussian af each item.*

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The proceeding will be held at: Ingleside Police Station, #1 John Young Lane, San Francisco

Accessible MUNI lines serving this location is: J, K, and M Streetcars, #26 Valencia, 54 Feltc
For information about MUNI service call 923 6142

The closest BART Station is: Balboa Bark Station

Accessible parking #1 John Young Lane

For information about the meeting call (415)553-1667 **(v) or** 553-9194 **(tty)**

SF
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#2
1/17/02

The Police Commission of the City and County of San Francisco met in the Ingleside District, Ingleside Station Community Room, #1 John V. Young Lane, San Francisco, at 6:07 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan took Item #5 (Police Commission Announcements) out of sequence and introduced himself, and asked his fellow Commissioners to introduce themselves. Commissioners Perry, Friday, and Makras addressed the audience and introduced themselves.

RESOLUTION NO. 45-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT MICHAEL J. MORAN, PARK (FILE NO. C02-257 SCM)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Sergeant Michael J. Moran, Star No. 1347, Park, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Michael J. Moran; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Michael J. Moran, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

RESOLUTION NO. 46-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR PETER J. SIRAGUSA, VICE (FILE NO. C02-258 SCM)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Inspector Peter J. Siragusa, Star No. 741, Vice, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Peter J. Siragusa; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Peter J. Siragusa, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

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CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Commissioner Chan introduced the newly appointed Chief Earl Sanders and Assistant Chief Alex Fagan.

Commissioner Chan introduced the following individuals in attendance: Mr. James Salinas, former Police Commissioner, Ms. Rosa Staphine, former President of the Civil Service Commission, Mr. Chris Cunnie, POA President, Assistant Deputy City Attorney Margaret Baumgartner, and Supervisor Sandoval.

Chief Sanders then introduced his command staff: Deputy Chief Rick Bruce, Deputy Chief Heather Fong, Deputy Chief Mindy Pengel, Commander Greg Suhr, Commander Rich Hom, and Commander Sylvia Harper.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap introduced herself and discussed the function of the Office of Citizen Complaints.

APPROVAL OF AWARDS COMMITTEE RECOMMENDATIONS

Commissioner Friday made a motion to approve the Awards Committee Recommendations, second by Commissioner Perry. Approved 4-0.

RESOLUTION NO. 47-02

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on Tuesday, July 9, 2002; and

WHEREAS, Chief of Police Fred H. Lau has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeants Martin Halloran, and Matin Lalor, Officers Michael Wolf, Angela Freeman, Tracey Boes, Kirk Edison, Vincent Etcheber, David Nastari, and Carl Fabbri are hereby awarded Gold Medals of Valor and granted rewards of $1500.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Glenn Ortega is hereby awarded the Silver Medals of Valor and granted a reward of $1000.00, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeants Joseph Reilly and Lucio Perez, Inspectors John Cleary, Lewis Bronfeld, Tom Cleary, Armand Gordon, Jason Cherniss, Herman Jones, Joseph Pieralde, Antonio Flores, Michael Becker, Richard Daniele, and Stephen Murphy, Officers Michael Lee, Dean Ries, Chris Muselman, Theresa San Giacomo, ***Luis DeJesus, *Timothy Fowlie, *Shaughn Ryan***, Leonard Broberg, Paul Lozada, Martin Covarrubias, Brian Oliver, Kenneth Koenig, and Robert Byrne are hereby awarded Meritorious Conduct Awards and granted rewards of $200.00 each, as provided for under said Section of the Charter.

(*Recipient of Two (2) Meritorious Conduct Awards)

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

DISCUSSION AND ACTION RE: FINANCING OF THE SAN FRANCISCO POLICE HELICOPTER UNIT

Chief Sanders asked the Commission if this issue could be rescheduled on July 24th in order for the Chief, the Assistant Chief, and City Attorney Margaret Baumgartner could review and study the report submitted by Commander Hom.

Commissioner Chan agreed to reschedule this issue for August 7th Commission Meeting and asked for any Public Comments on this issue.

Ms. Silverberg from the District II Counsel recommend that the Commission seriously consider the funding of the Helicopter Unit.

Mr. Johnson asked the Commission act soon on the issue of the Helicopter Unit.

CAPTAIN KEVIN DILLON, COMMANDING OFFICER OF INGLESIDE STATION TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

Captain Kevin Dillon addressed the Commission and gave a State of the District breakdown as it relates to crime, community, and traffic problems.

PUBLIC COMMENTS

Mr. James Salinas, former member of the Police Commission, addressed the Commision and expressed his dissatisfaction with the police service he received on May 30th when he was assaulted at City Hall.

Ms. Mary Harrison, member of "All my Neighbors in Action" thanked the Commission for appointing Earl Sanders as Chief of Police and Alex Fagan as Assistant Chief, and made a donation to the "OMI" Kids at Risk in the name of Chief Sanders.

Mr. Curry congratulated both Chief Sanders and Assistant Chief Fagan. He also wanted to honor to officers for Officer of the Year, Officers Noble and Martinez.

Unidentified , Department of the Aging, congratulated Chief Sanders and Assistant Chief Fagan. She also suggested that the city experiment with a marked police car at the intersection of Silver and Croft.

Mr. Roy Pool asked for the Commission's help to get more athletic equipment at the Oceanview Playground.

Mr. Ethan Practoal, member of the Excelsior Boys and Girls Club, notified the Commission that the Boys and Girls Club is open for all, including police, to assist in providing a safe place to come, play, learn, and be safe.

Mr. Maurice Valva, member of the Bernal Heights Neighborhood Center, congratulated Chief Sanders and Assistant Chief Fagan, and commended Captain Dillon and the officers of Ingleside for a job well done.

Ms. Jo Davidson, Cayuga Street Improvement Association, acknowledged the very good job that is being done by Captain Dillon.

Mr. Joe Corral addressed the issue of taggers with paint or markers and that Captain Dillon and his officer made six arrests for tagging in the Bernal Heights District.

Mr. R. Rodriguez thanked Captain Dillon for help in cleaning up Precita Park.

Ms. Rebecca Silverberg thanked Captain Dillon for a job well done.

Ms. Karen Wood, Mt. Davidson Area Park, thanked Captain Dillon and officers of Ingleside for a job well done.

Ms. Betty Wilson, Geneva Terrace Association, discussed concerns regarding crimes in public housing.

Ms. Dorothy Jones, resident of the District for 60 years, thanked the Commission for sending Captain Dillon to Ingleside Station.

Thereafter, the meeting was adjourned.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 24, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Laurence B. Barker, Support Services
(File No. C02-128 JWA)
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Benjamin J. McAlister, Support Services
(File No. C02-214 JWA)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Discussion and Action re: Motion for Dismissal of Disciplinary Charges filed against Officer Phillip J. Gonzales (File No. C01-384 SCM) and Officer Kunthea Johnson (File No. C01-385 SCM) under Government Code 3304
9. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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SF
P45
#2
1/24/02

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

RESOLUTION NO. 48-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER LAURENCE B. BARKER, SUPPORT SERVICES (FILE NO. C02-128 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Laurence B. Barker, Star No. 1040, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Laurence B. Barker; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Laurence B. Barker, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

RESOLUTION NO. 49-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER BENJAMIN J. MCALISTER, SUPPORT SERVICES (FILE NO. C02-214 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Benjamin J. McAlister, Star No. 738, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Benjamin J. McAlister; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Benjamin J. McAlister, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that he will be changing the order of items. Item #8 (Matter of Officer Phillip Gonzales and Officer Kunthea Johnson) would be taken off calendar and placed on the agenda for Wednesday, July 31st, and Item #5 (Chief's Announcements) will be the last item called after Public Comments.

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OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap stated she had nothing to report and deferred to Chief Sanders.

DISCUSSION AND ACTION RE: MOTION FOR DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER PHILLIP J. GONZALES (FILE NO. C01-384 SCM) AND OFFICER KUNTHEA JOHNSON (FILE NO. C01-384 SCM) UNDER GOVERNMENT CODE 3304

Put over to Wednesday, July 31st.

PUBLIC COMMENTS

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders noted a few small fine-tuning of the Department, as outlined in the recent Department Bulletin:

Uniform and Grooming

1. All officers, unless assigned to investigation, must wear their uniform.

2. Non-uniform officers must wear their ID card attached to their outer garment.

3. All officers must wear proper Court Attire. If on duty, they must wear uniform.

4, Assistant Chief was given the task of looking at all aspects of officers involved in vehicle accidents, with the thought of reducing the number of accidents.

A video tape was shown titled "Chief's Message" which showed both Chief Sanders and Assistant Chief Fagan introducing themselves and visiting injured officer Nick Ferrando.

Chief Sanders then read the names of his newly arranged Command Staff:

Deputy Chief Fong to Administration; Deputy Chief Pengel to Airport; Deputy Chief Suhr to FOB; Deputy Chief Robinson to Investigation; Deputy Chief Bruce to newly adopted unit Special Operation & Security (SOS); Commander Brown to Administration; Commander Harper to Airport; Commanders Dudley and Puts to FOB; and Commander Hom to SOS.

Thereafter, the meeting was adjourned at 6:20 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 31, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

CLOSED SESSION

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1. Roll Call

2. Public Comments on all maters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing motion for dismissal of disciplinary charges filed against listed officers under Government Code 3304.

   a. Officer Phillip J. Gonzales (File No. C01-384 SCM)

   b. Officer Kunthea johnson (File No. C01-385 SCM)

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*There will be Public Comments on any item before or during discussion of each item.

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The Police Commission

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ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 31, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Financing of the San Francisco Police Helicopter
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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JULY 31, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PRESENT: Commissioners Chan, Perry, Makras
ABSENT: Commissioners Friday, Quaranta

PUBLIC COMMENTS

None

VOTE ON WHETHER TO HOLD CLOSED SESSION AND/OR ASSERT ATTORNEY/CLIENT PRIVILEGE TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.11(a))

Motion by Commissioner Perry, second by Commissioner Chan. Approved 3-0.

CONFERENCE WITH LEGAL COUNSEL - Existing motion for dismissal of disciplinary charges filed against listed officers under Government Code 3304:

a. Officer Phillip J. Gonzales (File No. C01-384 SCM)
b. Officer Kunthea Johnson (File No. C01-385 SCM)

JULY 31, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PRESENT: Commissioners Chan, Perry, Quaranta, Makras
ABSENT: Commissioners Friday

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCLOSE DISCUSSION IN CLOSED SESSION

A motion was made by Commissioner Perry to disclosed and discuss the action taken in Closed Session. The motion was 2nd by Commissioner Makras and passed by a 3 to 0 vote. Commissioner Quaranta was present but did not participate in the deliberation.

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Thereafter, Commissioner Chan announced the Commission's decision on the dismissal motion and presented to both parties their written decision, "The motion to dismiss is conditionally granted." However, should the decision in the SFPOA lawsuit allows the Commission to move forward in the future with this case on the alternative grounds raised by OCC in its opposition, the Commission will do so.

RESOLUTION NO. 50-02

APPROVAL OF MOTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST OFFICER PHILLIP J. GONZALES, TARAVAL (FILE NO. C091-384 SCM), AND OFFICER KUNTHEA JOHNSON, TARAVAL (FILE NO. C091-385) UNDER GOVERNMENT CODE 3304

WHEREAS, the Police Commission made the following "Statement of Decision on Motion to Dismiss" regarding matters of Officers Phillip Gonzales, Star No. 2333, (File No. C091-384 SCM), and Kunthea Johnson, Star No. 73, (File No. C091-385 SCM):

"INTRODUCTION

The Chief of Police has charged Officers Phillip Gonzales and Kunthea Johnson with misconduct. The officers have filed motions to dismiss on the grounds that they did not receive notice of the proposed disciplinary action within one year of the tie that the Office of Citizen Complaints (OCC) received the complaint. The Department, through the OCC, opposes the motion on three separate grounds.

First, the OCC argues that its "Notice of Preliminary Findings," which the accused officers received within one year, provides notice of the proposed disciplinary action. The Superior Court in *SFPOA v. City and County of San Francisco*, San Francisco Superior Court Case No. 324635 issued an injunction precluding the Commission from proceeding on that ground. Although the OCC argues that the Superior Court wrongly decided the issue, the Commission is bound by that injunction, and therefore cannot proceed on that ground.

Second, the OCC argues the multi jurisdictional exception applies. Again, the injunction precludes the Commission from proceeding on that ground.

Should the injunction in *SFPOA* be lifted or modified, the Commission will reopen these disciplinary allegations and address these arguments in light of any decision.

The third ground raised by the OCC is the multi-officer exception. The Commission addresses the merits of this argument below, and finds that in this case that exception does not apply to make the complaint timely.

ANALYSIS

Because of the procedural posture of this case, the Commission is left with addressing the one exception not addressed in *SFPOA*: the multi-officer exception. Under the multiple officer exception, the Department is not required to provide notice of proposed disciplinary action within one year if the investigation involves multiple officers and the investigation "required a reasonable exception." Cal. Gov't Code §3304(d)(4). Here, both parties agree that there was more than one officer involved in this investigation. The question remaining is whether the investigation required a reasonable extension.

Here, the citizen brought the complaint to the OCC on August 1, 2000. The OCC completed its investigation by December 29, 2000. The OCC forwarded the matter to the Management Control Division (MCD) immediately thereafter. On January 28, 2001, MCD responded to the OCC in writing, indicating its disagreement as to the charges and the forum in which they should be filed (Chief's level or Commission charges).

On February 1, 2001, MCD met with the OCC. The record does not indicate whether or not these cases were discussed at that meeting and/or whether the OCC gave its response to the January 28, 2001 letter at that time. What is clear is that no subsequent action was taken either by MCD or the OCC to resolve this disagreement until the OCC called MCD on July 13, 2001, over five months later. Neither the OCC nor the Department provided any evidence as to the reason for this delay.

Furthermore, MCD again referred this matter to the OCC on July 22, 2001, indicating the Department's disagreement as to the forum for filing the charges. The supplemental declaration of Samara Marion shows that the OCC responded to MCD shortly thereafter by a telephone call. But there is then no record that either the OCC or MCD took any definitive action on this matter until October 2001, three months later. The charges were not then filed until

late November, another month to six weeks later.

The Commission believes that its determination whether an investigation requires a reasonable extension in a multiple officer case should take into account the additional tasks necessary to investigate and conclude an investigation involving more than one officer. The Commission also believes that gaps in activity during the investigation of a case are not dispositive on the issue of whether an extension is reasonable or not.

In this case, however, the Commission finds that no reasonable extension was required. The investigation was concluded, forwarded, and responded to seven months before the one-year statute of limitations expired. It was not until two weeks prior to the expiration of the one-year statute of limitations that the OCC responded to MCD's January letter. There is no explanation for this five month delay. Because of this unnecessary delay, the Commission finds that a reasonable extension was not required.

Furthermore, in February 2001, while this matter was pending, the Commission adopted a revised policy regarding the procedure for resolving the type of conflict at issue here. Although the Commission's policy is again not dispositive of the issue, the policy provides a mechanism for breaking an impasse. Under the policy, once the OCC is notified that the Chief disagrees with its recommendation regarding the filing of charges with the Commission, the OCC may prepare and forward a verified complaint to the Chief. If the parties are unable to reach a negotiated solution within 15 days of forwarding the complaint, the OCC notifies the Commission of the dispute. The Chief has 35 days from receiving the verified complaint to respond to the Commission. The Commission then has 20 days to make a decision.

This policy does not require the OCC to send the verified complaint, and thereby start the process, within any particular period of time. It does, however, provide a procedure for reaching a conclusion on the issue within 55 days if the OCC's forwarding of the verified complaint. In this case, the OCC had from January 28, 2001, to the beginning of June, 2001, to prepare and forward the verified complaint, if it disagreed with MCD's position on this matter, while still providing sufficient time to have the charges filed within one year.

The Commission also understands that the OCC believed that under Section 3304 its notice to the officer satisfied the requirements of 3304, and therefore believed it was acting reasonably. Unfortunately, the Superior Court disagreed with that position. The OCC, the Department, and the Commission must accept the consequences of that action. In this case, the result is that these two officers cannot be tried for the misconduct that they are alleged to have committed.

CONCLUSION

The motion to dismiss is conditionally granted. Should the decision in *SFPOA* allow the Commission to move forward in the future with this case on the alternative ground raised by the OCC in its opposition, the Commission will do so."

therefore, be it

RESOLVED, that the Commission grants the Motion to Dismiss in the disciplinary matter of Officer Phillip J. Gonzales and Officer Kunthea Johnson, as per above Statement of Decision on Motions to Dismiss.

AYES:	Commissioners Chan, Perry, Makras
EXCUSED:	Commissioner Quaranta
ABSENT:	Commissioner Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that Deputy City Attorney Baumgartner will be reassigned to the Fire Department and will be replaced by Deputy City Attorney Eddie Angeles effective this date. However, she will remain for two weeks while Eddie Angeles is on vacation.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders informed the Commission that the Command Staff is in the process of reassigning some of the Captains and Lieutenants and the final draft should be completed within a few days.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap informed the Commission that she will be presenting the OCC's 2001 Annual Report at the Commission Meeting of August 7th.

DISCUSSION AND ACTION RE: FINANCING OF THE SAN FRANCISCO POLICE HELICOPTER

Chief Sanders asked the Commission to reschedule his report on funding of the Helicopter Unit because he is still looking at funding possibilities. Commissioner Chan agreed to the rescheduling without setting a new date. He asked Chief Sanders to work with Commissioner Makras and set a date for his report.

PUBLIC COMMENTS

Mr. Schlossberg, ACLU, asked for more information on the new SOS unit. Chief Sanders said that Assistant Chief Fagan will meet with Mr. Schlossberg to discuss this issue.

Thereafter, the meeting was adjourned at 6:10 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

WEDNESDAY, AUGUST 7, 2002
5:15 p.m.

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Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

CLOSED SESSION

1. Roll Call

2. Public Comments on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Department of Fair Employment and Housing, Alane Baca v. City and County of San Francisco (San Francisco Police Department), Andrew Blackwell, Superior Court Case No. 325-126, File No. 020680

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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WAYNE FRIDAY
Commissioner

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Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 7, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Presentation of OCC's 2001 Annual Report
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of $7,500.00 from The Guardsmen for the San Francisco Police Department's Wilderness Program
3. Request of the Chief of Police for Approval to Accept Donation of $5,000.00 from The San Francisco Police Officers' Association for the San Francisco Police Department's Wilderness Program
4. Recommendation of the City Attorney for Settlement of the following claim:
   a. Department of Fair Employment and Housing, Alane Baca v. City and County of San Francisco (San Francisco Police Department), Andrew Blackwell, Superior Court Case No. 325-126, File No. 020680

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AUGUST 7, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PRESENT: Commissioners Chan, Friday, Quaranta
ABSENT: Commissioner Perry, Makras

VOTE ON WHETHER TO HOLD CLOSED SESSION AND/OR ASSERT ATTORNEY/CLIENT PRIVILEGE TO CONFER WITH LEGAL COUNSEL. (SAN FRANCISCO ADMINISTRATIVE CODE SECTION 67.11(a))

Commissioners Chan, Friday, and Quaranta met in Open Session to vote on holding a Closed Session to confer with Legal Counsel. A motion to hold a Closed Session was made by Commissioner Friday, second by Commissioner Quaranta. Approved 3-0 vote.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Department of Fair Employment and Housing, Alane Baca v. City and County of San Francisco (San Francisco Police Department), Andrew Blackwell, Superior Court Case No. 325-126, File No. 020680

AUGUST 7, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCLOSE DISCUSSION IN CLOSED SESSION

Commissioner Perry made a motion not to disclosed or discussed action taken in Closed Session, second by Commissioner Makras. Approved 5-0.

Deputy City Attorney Margaret Baumgartner advised the Commission that because the Closed Session meeting vote was to send a recommendation to the Board of Supervisor, that the Commission need not discuss the issue of the Closed Session.

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APPROVAL OF CONSENT CALENDAR

Commissioner Perry made a motion to approve the Consent Calendar, second by Commissioner Quaranta. Approved 5-0.

RESOLUTION NO. 51-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF $7,500.00 FROM THE GUARDSMEN FOR THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS PROGRAM

RESOLVED, that the Police Commission approves request of the Chief of Police to accept donation of $7,500.00 from The Guardsmen for the San Francisco Police Department's Wilderness Program.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 52-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF $5,000.00 FROM THE SAN FRANCISCO POLICE OFFICERS' ASSOCIATION FOR THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS PROGRAM

RESOLVED, that the Police Commission approves request of the Chief of Police to accept donation of $5,000.00 from the San Francisco Police Officers' Association for the San Francisco Police Department's Wilderness Program.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 53-02

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING, ALANE BACA v. CITY AND COUNTY OF SAN FRANCISCO (SAN FRANCISCO POLICE DEPARTMENT), ANDREW BLACKWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "The Department of Fair Employment and Housing, Alane Baca v. City and County of San Francisco (San Francisco Police Department), Andrew Blackwell" in Superior Court Case No. 325-126, be, and the same is hereby approved.

Date of Incident: April to June 1999

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Friday made a motion to cancel the next Commission meeting scheduled for August 14th. The Commission agreed and announced that the next Commission meeting will be held on Wednesday, August 21st.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders stated that the Command Staff met over a two-day period to examine department operational issues, including:

1. Moral and Productivity
2. The Department's efficiency plan
3. Vehicle reallocation and equipment consideration
4. Department technology improvements
5. Work schedules for non-patrol units
6. Enhanced transfer opportunities into specialized units
7. DNA Specialist personnel

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

and

PRESENTATION OF OCC'S 2001 ANNUAL REPORT

Director Mary Dunlap presented the OCC's 2001 Annual Report.

PUBLIC COMMENTS

Mr. Phil Ryan spoke on the issue of technology improvements for the Police Department.

Thereafter, the meeting was adjourned at 7:05 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD DEETER
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, August 14, 2002. The next Police Commission Regular Meeting will be on ***Wednesday, August 21, 2002***, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 21, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Benjamin J. McAlister, Support Services (File No. C02-213 JWA)
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Thomas Samiere, Airport (File No. C02-346 JWA)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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AUGUST 21, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Friday, Quaranta, Makras
ABSENT: Commissioner Perry

RESOLUTION NO. 54-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER BENJAMIN J. MCALISTER, SUPPORT SERVICES (FILE NO. C02-213 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Benjamin J. McAlister, Star No. 738, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Benjamin J. McAlister; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Benjamin J. McAlister, and is to be set at a later date.

AYES: Commissioners Chan, Friday, Quaranta, Makras
ABSENT: Commissioner Perry

RESOLUTION NO. 55-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER THOMAS SAMIERE, AIRPORT (FILE NO. C02-346 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Thomas Samiere, Star No. 4113, Airport, was called it having been set for this date; and

WHEREAS, Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Thomas Samiere; therefore be it

RESOLVED, that Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Thomas Samiere, and is to be set at a later date.

AYES: Commissioners Chan, Friday, Quaranta, Makras
ABSENT: Commissioner Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that next week's meeting, August 28th, will be held in the Bayview District.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

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Assistant Chief Fagan reported that the Command Staff was meeting regularly regarding reorganizing the Department.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap made two announcements: (1) That the Congress submitted a report on civil accountability of Police Departments and Civilian Review Boards. Director Dunlap reported that if any member wanted a copy of the report, she could provide them. (2) Director Dunlap reported on a question that was asked of her at the last Commission meeting regarding the Category "Unknown" as it relates to who and how the OCC receives complaints listed under "Unknown." Director Dunlap stated that it was a programing problem that has been corrected.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:10 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

San Francisco Police Commission Meeting Coming to the Community

Hosted by
Captain Michael Puccinelli & Bayview Police Officers

Date: Wednesday, August 28, 2002

Time: 6:00 P.M.

Place: Bayview Police Station
201 Williams Avenue
San Francisco, CA 94124

08-26-02A11:36 RCVD

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Come and meet the
Police Commissioners,
Chief of Police Prentice "Earl" Sanders,
and SFPD Command Staff.

Government's duty is to serve the public, reaching decisions in full view of the public. Commissions, boards, councils and other city agencies of the City & County of San Francisco exist to conduct the people's business. This is an opportunity to meet and hear about our vision and goals for public safety for the communities in the Bayview Police District and our commitment to effective, quality service to the public.

Our coming together and hearing community input on public safety concerns, will help us to achieve our public safety goals.

Contact Officer Yulanda Williams,
Community Liaison & Events Coordinator
at 415–671-2302 for Additional Information

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The Police Commission

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Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 28, 2002
6:00 p.m.

BAYVIEW DISTRICT
BAYVIEW STATION COMMUNITY ROOM
201 Williams Avenue
San Francisco

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Inspector James Zerga, Robbery Detail (File No. C02-306 SCM)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
7. Captain Michael Puccinelli, Commanding Officer of Bayview Station, to address the Commission on Police Activities in the Bayview District
8. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**There will be Public Comments on any item before or during discussion of each item.*

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Lobbyist Registration and Reporting Requirements
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PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

American sign language interpreters will be available upon request. Please contact Sgt. Michael Sullivan, at 553 1343, at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available upon request at the proceeding. Please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding.
Late requests will be honored if possible.

Minutes of the proceedings are available in alternative formats. If you require the use of a reader during the meeting, please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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The proceeding will be held at Bayview Police Station Community Room, 201 Williams.
The closest accessible BART n/a.
Accessible MUNI lines serving this location are #54 Felton Muni Line & #9 San Bruno

For information about MUNI service call 923 6142.

Accessible parking is available at the following location: Bayview Police Station
201 Williams Street, San Francisco

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

San Francisco Police Department

The Police Commission of the City and County of San Francisco met in the Bayview District, Bayview Station Community Room, 201 Williams Avenue, San Francisco, at 6:20 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Makras

Commissioner Chan introduced Captain Mike Puccinelli, Commanding Officer Bayview Station. Captain Puccinelli introduced the Command Staff: Deputy Chiefs Fong, Bruce, Pengel, and Robinson, Commanders Dudley, Harper, Puts, and Brown.

RESOLUTION NO. 56-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST INSPECTOR JAMES ZERGA, ROBBERY DETAIL (FILE NO. C02-306 SCM)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Inspector James Zerga, Star No. 54, Robbery Detail, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector James Zerga; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector James Zerga, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan introduced himself, as did Commissioners perry, Friday, and Quaranta. Commissioner Chan announced that the Commission will hear closing arguments on a disciplinary case at the Commission meeting of Wednesday, September 4, 2002. He also announced that there will be no Police Commission meeting on September 11th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Fagan informed the Commission that the City of San Francisco is in the race with New York City to gain the Olympic Games in the year 2012

Deputy Chief Robinson, Investigations, stated that the inspectors will soon begin to work more closely with the community and the victims to help in solving problems within the community.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap described duties and responsibilities of the Office of Citizen Complaints and handed out pamphlets.

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CAPTAIN MICHAEL PUCCINELLI, COMMANDING OFFICER OF BAYVIEW STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE BAYVIEW DISTRICT

Captain Michael Puccinelli, Commanding Officer of Bayview Station, gave a presentation of the crime and prevention activities that's taking place within the Bayview District.

PUBLIC COMMENTS

Mr. Francisco DeCosta wanted to compliment Captain Puccinelli for his leadership and problem solving. He also stated that will all the new monies being dedicated to the district, if some funds could be found to assist with activities for the youth in the area.

Ms. Cris Ortiz, Portola District, thanked Captain Puccinelli.

Mr. Isaak , "Infusion One" a community outreach program, accompanied by approximately 20 youths, spoke on the goals and activities of the organization. Among the goals are outreaching, developing resources and training.

Unidentified female spoke on the activities of the "Infusion One" Community Outreach Program.

Unidentified female advised the Captain and the Commission of the parking problem in the area of Innes Street and other crimes in the same area.

Norma, President of the Bayview Rotary Club, thanked the Captain and the officers for joining the rotary club. She also thanked Operation Dream, Sergeant Marion Jackson, for helping the community.

Mr. John DeCastro, President Potrero Booster Association, thanked Captain Puccinelli and asked for more officers to be assigned to the Bayview Police Station.

Unidentified Female spoke on the issue of Chinese speaking residents in the area. She stated that some Chinese victims are afraid to report crimes and suggested added Chinese-speaking officers in the district to assist the community.

Ms. Josephine Caplin, resident 1400 block Revere Street, stated that illegal activities are occurring in the cars daily.

Mr. Wise, Community Safe Group, thanked the officers for jobs being done but there is still more to do.

Yvonne, 1423 Innes Street resident, discussed concerns regarding house next to hers. She stated the house was burnt and boarded up, but people are going in and out and she is afraid to go to sleep.

Captain Puccinelli asked the two ladies to stay after the meeting and sated he would make sure the problem will be taken cared of before morning.

Mr. Michael Horman spoke on the elderly who car for juveniles, as grandmothers, aunts, cousins, etc., that they are at time reluctant to report illegal activities of family members because they are in fear of losing their place of residence because of zero tolerance by the Housing Authority.

Mr. Tom Jones thanked the Captain and the officers for a job well done.

Ms. Barbara Bushnill, member of the Citizen Patrol, asked for cell phones to use when they are on patrol.

Mr. Phil Guan, San Bruno Street businessman, thanked the officers of Bayview Station.

Unidentified male asked for more people to join the Rotary Club.

Thereafter, the meeting was adjourned at 7:30 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CONNIE PERRY
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ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 4, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Presentation of OCC's First Quarter 2002 Early Warning System Report
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
8. Closing Arguments, Deliberation, and Disposition on Disciplinary Charges filed against Officer Michael J. Montero, Support Services (File No. C01-458 JWA)

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SAN FRANCISCO POLICE COMMISSION
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For information about the meeting call 553 1667(v) or 553 9194 (tty)

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SEPTEMBER 4, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Perry, sitting in for Commission Chan, announced that there will be no Commission meeting on September 11th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Fagan, sitting in for Chief Sanders, noting a newspaper article that he met with women police officers' group on EEO issues. Chief Fagan stated that he did meet with a group of female officers but did not disclose discussion in public due to EEO issues.

Deputy Chief Suhr advised the Commission that effective September 5th, all specialist officers and sergeants would have completed training with the less than lethal shotgun. The goal is to have each patrol car equipped with the shotgun.

Deputy Chief Robinson addressed the Commission on three issues: That investigators are investigating a homicide that occurred on August 31st; a female body was recovered from the bay, and a new triad approach to handling violent crimes.

In response to questions asked by the Commission, Deputy Chief Robinson spoke on two issues raised by citizens at the Commission meeting held at Bayview Station on August 28th. On the issue of a crack house and an auto-dismantling house, Chief Robinson stated that felony arrests have been made on both locations and both locations have either been put out of business or in the process of being closed.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

and

PRESENTATION OF OCC'S FIRST QUARTER 2002 EARLY WARNING SYSTEM REPORT

Ms. Jean Field, for OCC Director Dunlap, reported on the OCC's Early Warning System Report. This report identifies officers who have received either three complaints within six months or four complaints within 12 months.

Commissioner Makras asked if the OCC could provide to the Commission the numbers of cases closed within one month, two months, or within 90 days. Ms. Field stated that she would advise Director Dunlap and attempt to provide the information within one month or two weeks if possible.

PUBLIC COMMENTS

Ms. Patricia Bores, Planning Association of Divisadero Street (PADS), invited Chief Sanders, Deputy Chief Robinson, Captain Jackson, Captain Cashman, and Lt. Crenshaw to their next meeting.

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HEARING OF OFFICER MICHAEL J. MONTERO, SUPPORT SERVICES (FILE NO. C01-458 JWA)

The hearing of Police Officer Michael J. Montero, Star No. 1409, Support Services, was called it having been set for this date. Officer Montero was charged, in a properly verified complaint by Fred H. Lau, Former Chief of Police of San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Michael J. Montero appeared in person and was represented by Mr. Earl Disselhorst, Attorney at Law.

Mr. Jerry W. Akins advised the Commission that the Department had reached a possible settlement on the disciplinary charges filed against Officer Montero. It is the recommendation of Chief Earl Sanders that Officer Montero be suspended for ninety (90) days with thirty (30) days served forthwith and sixty (60) days held in abeyance for two (2) years from September 4, 2002, on condition that he not be the subject of one or more sustained complaints of misconduct and that he participate in the alternative to punishment program described in Department General Order 11.11 for the two (2) years.

Officer Michael J. Montero admitted to the truth of the allegations contained in Specifications No. 1 and No. 2 and accepts responsibility for his actions.

The Police Commission unanimously accepted the plea of Officer Montero.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 57-02

DECISION - HEARING OF OFFICER MICHAEL J. MONTERO, SUPPORT SERVICES (FILE NO. C01-458 JWA)

WHEREAS, on January 15, 2002, Fred H. Lau, Former Chief of Police of the San Francisco Police Department, made and served charges against Officer Michael J. Montero, as follows:

SPECIFICATION NO. 1:
Engaging in conduct which subverts the order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned Michael J. Montero, Star Number 1409, (referred to as "the accused") was a probationary officer employed by the San Francisco Police Department assigned to the Field Operations Bureau,

Ingleside Police District;

(2) As a member of the department, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On November 17, 2001, at 2345 hours, the accused was off duty and dressed in civilian clothes. At that time, the accused was present in a bar named The Hollow Leg located in Hayward, California. Also, at that time, the Hayward Police Department and the State of California of Alcohol Beverage Control were conducting a joint decoy operation in The Hollow Leg Bar;

(4) On November 18, 2001, at 0010 hours, law enforcement officers made an arrest and prepared to issue a citation to the bartender at the Hollow Leg Bar, who had allegedly sold alcohol to a minor. The law enforcement officers asked the bartender to step outside of the bar to complete the citation process. The accused followed the law enforcement officers and the bartender outside of the bar. The accused stepped up to the group and asked, "Are those Hayward cops or are they A.B.C.?" He took a position next to the bartender and asked him if he needed any help. The accused then began to give the law enforcement officers hard stares. An officer from the Hayward Police Department informed the accused that he was interfering with a police investigation and asked him to leave;

(5) The accused did not respond to the Hayward Police Officer's request to leave, so the officer asked the accused if he could help the accused leave. The accused replied, "You fucking Hayward cops, you can't come to my house when my car and house are broken into, but you can do this bullshit stuff!" The officer told the accused that if he did not leave, he would be arrested. The accused replied, "Take me to fucking jail then." As he said this, he flicked a wadded up piece of paper towards the officer's face but missed. Two officers approached the accused, who turned his back and extended his hands behind him. The officers cuffed the accused and after learning that the accused was a San Francisco Police Officer, called for a supervisor;

(6) A supervisor appeared on the scene and after talking to the accused, the supervisor directed that the accused should be released pursuant to Penal Code § 849(b). The officers removed the handcuffs and released the accused to the custody of his mother who was present;

(7) During this incident, the accused smelled heavily of alcohol and exhibited the physical signs of intoxication;

(8) The accused, by interfering with the enforcement actions of the Hayward Police Department and the Department of Alcohol Beverage Control, engaged in conduct which, in a criminal context, violates California Penal Code § 148; any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by any officer either within or without the State that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Engaging in conduct which subverts the order, efficiency, and discipline of the

department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(9) Paragraphs 1 through 8 from Specification No. 1 above are incorporated herein by reference and reallcged as though set forth in full;

(10) On August 11, 2001, at 0110 hours, two Hayward Police Department officers on routine patrol investigated a suspicious vehicle with two occupants parked on the street across from the accused's residence. The officers identified the two occupants as the accused's brother and his girlfriend, and, satisfied with their explanation for their presence in a car parked on the street at that time of day, released the brother and his girlfriend;

(11) The brother and his girlfriend walked across the street and entered the accused's residence. The brother informed the accused about his contact wit the Hayward Police officers. The accused exited his residence and confronted the Hayward Police officers. The accused produced his San Francisco Police Department star and identified himself to the Hayward Police officers as a police officer employed by the San Francisco Police Department;

(12) The accused castigated the officers for "harassing" his brother. The accused cursed the officers and made derogatory remarks about the Hayward Police Department. The accused appeared to be intoxicated and belligerent to the Hayward Police officers, but rather than escalate the situation, one of the Hayward Police officers handed the accused his business card and invited him to address his complaints to the officer's supervisor or to the Hayward Police Department's Internal Affairs Unit and both officers then left. The accused and a woman accompanying him continued to shout at and berate the Hayward Police officers as they left;

(13) The accused, by identifying himself as member of the San Francisco Police Department in confronting the Hayward Police Department officers who had briefly detained the accused's brother, and then making derogatory remarks about and cursing the officers, engaged in conduct which any reasonable police officer must know violates the standards of the department and brings discredit on the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by any officer either within or without the State that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on June 4th and 11, 2002 and on September 4, 2002, before argument and decision based on the hearing record, Officer Montero and the Department entered an agreed disposition, and Officer Montero admitted to the truth of the charges in return for a stipulated recommendation for discipline from the Chief of Police. The matter was then submitted to the Police Commission for decision; and

WHEREAS, based on Officer Michael J. Montero's admission, the Commission finds the allegations contained in Specifications No. 1 and No. 2 of the disciplinary charges as preferred by Former Chief of Police Fred H. Lau against Officer Montero are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

SPECIFICATION NO. 2 Sustained

That Officer Montero be suspended for ninety (90) days with thirty (30) days served forthwith and sixty (60) days held in abeyance for two (2) years from September 4, 2002, on condition that he not be the subject of one or more sustained complaints of misconduct and that he participate in the alternative to punishment program described in Department General Order 11.11 for the two (2) years.

FURTHER RESOLVED, that said thirty (30) days suspension shall commence on Thursday, September 5, 2002, at 0001 hours, and shall terminate on Thursday, October 4, 2002, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

(The proceedings were taken in shorthand form by Ms. Anna Greenley, CSR.)

Thereafter, the meeting was adjourned.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, September 11, 2002. The next Police Commission Regular Meeting will be on ***Wednesday, September 18, 2002***, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

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SEPTEMBER 16, 2002 **SPECIAL MEETING**

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY COMMISSIONER VICTOR MAKRAS IN THE APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT JOHN BRAGAGNOLO, TARAVAL (FILE NO. M-DRA D01-013), OFFICER TERESA EWINS, MISSION (FILE NO. M-DRA D01-014), AND OFFICER CONSTANTINE ZACHOS, MISSION (FILE NO. M-DRA D01-015)

The hearing for taking of evidence in the Appeal of the Chief's Suspension of Sergeant John Bragagnolo, Star No. 941, Taraval, Officer Teresa Ewins, Star No. 733, Mission, and Officer Constantine Zachos, Star No. 1049, was called at 9:00 a.m. on Monday, September 16, 2002, it having be continued from Thursday, June 13, 2002.

Ms. Samara Marion and Ms. Cynthia Lie, Attorneys at Law, appeared on behalf of the Office of Citizen Complaints (OCC) and the San Francisco Police Department.

Sergeant John Bragagnolo appeared in person and was represented by Mr. Mark Nicco, Attorney at Law. Officer Teresa Ewins appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law. Officer Constantine Zachos appeared in person and was represented by Mr. James Collins, Attorney at Law.

The following witnesses appeared for the OCC and the Department, were sworn and testified:

Sergeant John Bragagnolo
Officer Constantine Zachos
Officer Teresa Ewins

The following exhibits were entered for identification by the officers:

Exhibit A	A map of the area of Sanchez/Delores Park
Exhibit B	Photo of the area of 19th and Church Streets
Exhibit C	Photo of the area of 19th and Noe Streets
Exhibit D	Photo of the area of 19th and Sanchez Streets
Exhibit E	Transcripts of Communications Tape
Exhibit F	Printed Sheet of Complaint History

The meeting was then adjourned.

(The entire proceedings were taken in shorthand form by Ms. Dawn Sandner, CSR)

Lieutenant Edward Geeter
Secretary
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SEPTEMBER 18, 2002 **SPECIAL MEETING**

PROCEDURAL HEARING FOR TAKING OF EVIDENCE BY COMMISSIONER VICTOR MAKRAS IN THE APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT JOHN BRAGAGNOLO, TARAVAL (FILE NO. M-DRA D01-013), OFFICER TERESA EWINS, MISSION (FILE NO. M-DRA D01-014), AND OFFICER CONSTANTINE ZACHOS, MISSION (FILE NO. M-DRA D01-015)

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Sergeant John Bragagnolo appeared in person and was represented by Mr. Mark Nicco, Attorney at Law. Officer Teresa Ewins appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law. Officer Constantine Zachos appeared in person and was represented by Mr. James Collins, Attorney at Law.

The following witnesses appeared for the officers, were sworn and testified:

Deputy Chief Gregory Suhr
Lieutenant Michael Slade

The meeting was then adjourned.

(The entire proceedings were taken in shorthand form by Ms. Dawn Sandner, CSR)

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 18, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CLOSED SESSION

1. Roll Call

2. Public Comments on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Robin Dubner v. City and County of San Francisco, USDC No. 98-1075 PJH

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 18, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. Presentation by Deputy Chief Richard Bruce to the Commission on Status of the Special Operations & Security (SOS) Division
8. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
9. Request of the Chief of Police for Approval of the Wall of Honor Committee Recommendation to Place the Name of Officer Jon C. Cook on the Hall of Justice Wall of Honor
10. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for settlement of the following claim:
   a. Robin Dubner v. City and County of San Francisco, USDC No. 98-1075 PJH
2. Request of the Chief of Police for Approval to Accept Donation of $400.00 from the Mission District Crime Prevention Council for use of the San Francisco Police Department's Senior Escort Service

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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SEPTEMBER 18, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Robin Dubner v. City and County of San Francisco, USDC No. 98-1075 PJH

PRESENT: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioners Chan, Friday

SEPTEMBER 18, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioners Chan, Friday

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCLOSE DISCUSSION IN CLOSED SESSION

A motion was made by Commission Quaranta not to disclose or discuss action taken in Closed Session. Motion was second by Commissioner Makras. Passed 3-0.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Makras, second by Commissioner Quaranta. Approved 3-0.

RESOLUTION NO. 58-02

ROBIN DUBNER v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Robin Dubner v. City and County of San Francisco" in USDC No. 98-1075 PJH, be, and the same is hereby approved.

Date of Incident: October 7, 1996

AYES: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioners Chan, Friday

RESOLUTION NO. 59-02

APPROVAL TO ACCEPT DONATION OF $400.00 FROM THE MISSION DISTRICT CRIME PREVENTION COUNCIL FOR USE OF THE SAN FRANCISCO POLICE DEPARTMENT'S SENIOR ESCORT SERVICE

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of $400.00 from the Mission District Crime Prevention Council for use of the San Francisco Police Department's Senior Escort Service.

AYES: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioners Chan, Friday

POLICE COMMISSION ANNOUNCEMENTS

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a. **Motion of Calendaring of New Items**

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders presented a certificate of appreciation to Ms. Mariam Massarrat-Foudeh, a court-certified translator. Ms. Massarat-Foudeh translated the SFPD's Hate Crimes Booklet into the Persian (Farsi) language. She expended many hours of her time and incurred costs to finalize the booklet. Estimated cost for her donated services and expenses are approximately $400.00.

Deputy Chief Bruce reported to the Commission on the status of the new Special Operations and Security Division. He presented a 3-page printed sheet of the unit's action plan. He also stated that he will be presenting tot he Commission the plan for the Air/Marine Unit next week.

Captain Ashe, Investigations, reported on fraud cases dealing with elderly victims.

Captain Sanford, Juvenile, reported on juvenile violent crimes where juveniles were either the victims or suspects: Case 1 is an arrest of a juvenile who was arrested for severely beating his mother. Case 2 is an arrest of a child abuser where the victims were contacted via the internet.

Captain Chignell, Investigations, reported on the ongoing investigation in the homicides, robberies and sexual cases.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Donna Medley, Acting OCC Director, reported that OCC Director Dunlap will be requesting for a one-year leave of absence to enter a program to fight her cancer that has returned.

RESOLUTION NO. 60-02

APPROVAL OF THE WALL OF HONOR COMMITTEE'S RECOMMENDATION TO PLACE THE NAME OF OFFICER JON C. COOK ON THE HALL OF JUSTICE WALL OF HONOR

RESOLVED, that the Police Commission hereby approves request of the Chief of Police for approval of the Wall of Honor Committee's recommendation to place the name of Officer Jon C. Cook on the Hall of Justice Wall of Honor.

AYES: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioners Chan, Friday

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:10 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 25, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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For information about MUNI service call 923 6142

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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SEPTEMBER 25, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Friday, Makras
ABSENT: Commissioners Perry, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced no District Meeting this month. The next District Meeting will be on October 30 at the Central Police District.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders reported that the Command Staff is working hard toward reaching the previously reported planned goals.

Deputy Chief Robinson reported on a resent drug arrest where $800,000 was recovered from a major drug supplier in the city.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director Jean Field reported that within the last two weeks, they have conducted mediation orientation in which over 40 people were in attendance, both attorneys and non attorneys. It is in an attempt to be able to offer more mediation to members and citizens in the future.

PUBLIC COMMENTS

Mr. Jeremy Jurd wanted to be able to speak with Deputy Chief Pengel since he could not speak with officers at the station near his resident.

Thereafter, the meeting was adjourned at 5:55 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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Commissioner

VICTOR MAKRAS
Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 2, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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SAN FRANCISCO POLICE COMMISSION
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For information about the meeting call 553 1667(v) or 553 9194 (tty)

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OCTOBER 2, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Friday, Makras
ABSENT: Commissioners Perry, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan introduced Deputy City Attorney Eddie Angeles, who informed the Commission and the Command Staff that he will be leaving the City Attorney's office for a position with the City of Los Angeles.

Commissioner Friday asked his fellow Commissioners that because there were no pressing issues on the Commission Calendar next week, that the Commission should consider not holding one. Thereafter, Commissioner Chan announced that there will no meeting on Wednesday, October 9th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders informed the Commission of the very good job the Command Staff is doing as they handled incident that occurred over the weekend: Critical Mass, Anti-war demonstration, and Airport Security.

Deputy Chief Robinson reported on the arrest of a large burglary ring and the recovery of over $600,000 in property. This arrest was the result of the combined efforts of both the patrol force and investigators working together. Chief Robinson also reported on the arrest of a murder suspect.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director Jean Field presented a report tot he Commission on OCC case closures during the months of March and November 2001.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:10 p.m.

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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, October 9, 2002. The next Police Commission Regular Meeting will be on ***Wednesday, October 16, 2002***, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 16, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. Presentation of Officer of the Month Awards to Officer Steven Stearns and Officer Gregory Kane of Park Station
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of $1,079.08 from Mr. David Bennett and Mr. Mike Stone, Owners of Mollie Stone's Market, for Gym Equipment for the Northern Station

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OCTOBER 16, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

APPROVAL OF CONSENT CALENDAR

Commissioner Perry made a motion to accept the item in the Consent Calendar. The motion was second by Commissioner Quaranta. Approved 5-0.

RESOLUTION NO. 61-02

APPROVAL TO ACCEPT DONATION OF $1,079.08 FROM MR. DAVID BENNETT AND MR. MIKE STONE, OWNERS OF MOLLIE STONE'S MARKET, FOR GYM EQUIPMENT FOR THE NORTHERN STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $1,079.08 from Mr. David Bennett and Mr. Mike Stone, owners of Mollie Stone's Market, for gym equipment for the Northern Station.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Perry asked the Commission and Chief of Police Sanders to place on the Commission Calendar of Wednesday, November 13th, a report by the Department on the Racial Profiling survey that the department had conducted.

Commissioner Chan asked the Chief for the status of recruitment and academy classes in anticipating retirement if Prop H passes in the November elections.

Assistant Chief Fagan stated that the Department could lose between 60 to 200 officers. However, with the present academy class which graduates in November and another class anticipated in January and another class scheduled for April, that the staff believe they will maintain the current level of officers.

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Commissioner Makras asked Chief Sanders to give an update on the Department's 30-60-90 day reorganization plan.

Assistant Chief Fagan stated that he will have Captain Parra of the Recruitment Unit to report on the status of recruitment to the Commission within a month.

Captain Chignell reported on the arrest of a rape suspect through the use of cold DNA evidence. The suspect was positively identified in three rapes and with the possibility of three others.

Assistant Chief Fagan asked the Commission if the planned District Commission Meeting scheduled for the Central District on October 30th be changed to November 6th. The Commission approved the change.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders reported on an incident that occurred at the Thurgood Marshall High School. He stated that a community meeting was occurring presently at the school with students, parents, and teachers. Commander Dudley

also reported on the incident.

PRESENTATION OF OFFICER OF THE MONTH AWARDS TO OFFICER STEVEN STEARNS AND OFFICER GREGORY KANE OF PARK STATION

Captain Lawson, Commanding Officer Park Station, introduced Officers Steve Stearns and Gregory Kane, Both officers were chosen as officers of the month for the month of September.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director Jean Field reported that Attorney Samara Marion has taken on the task of policy analyst.

PUBLIC COMMENTS

Mr. Mark Schlosberg, ACLU, spoke on the issue of racial profiling (traffic stops).

Ms. Jill Traegor, Intergroup Clearing House, spoke on the issue of the Thurgood Marshall situation.

Mr. Elmo Weatherburn spoke on the issue of the Board of Supervisors making amendments to the Police Code without the Police Commission's input. This is in regards to juveniles over 18 being allowed to attend after hours clubs.

Mr. Michael Harris thanked the Commission for calendaring for discussion the racial profiling report.

Thereafter, the meeting was adjourned at 6:50 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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Thereafter, the meeting was adjourned at 5:55 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 23, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CLOSED SESSION

1. Roll Call
2. Public Comments on all matters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to San Francisco Administrative Code Section 67.11(b) to determine how to proceed on OCC Verified Complaint (OCC #820-01)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 23, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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OCTOBER 23, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

Closed Session held pursuant to San Francisco Administrative Code Section 67.11(b) to determine how to proceed on OCC Verified Complaint (OCC #820-01)

PRESENT: Commissioners Chan, Perry, Quaranta
ABSENT: Commissioners Friday, Makras

OCTOBER 23, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Makras

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCLOSE DISCUSSION IN CLOSED SESSION

Commissioner Chan announced that by a 4 to 0 vote, during the Closed Session, the Commission directed the Chief of Police to file charges against Sergeant Thomas Haymond.

Commissioner Perry made a motion not to discuss the action taken in Closed Session. Motion was second by Commissioner Friday. Passed 4-0 not to discuss this ruling.

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Perry asked about the next district meeting. The next district Commission Meeting is scheduled on November 6th in the Central District. The location has yet to be verified.

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Commissioner Friday announced that the Commission was in receipt of a letter form Supervisor Mark Leno in which he discussed the new law regarding entertainment permits.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders reported on three items: (1) Security at the World Series, (2) meeting with high school teachers and parents regarding problems following the Thurgood Marshall School incident, and (3) meeting with the African-American Community Relations Board to help work out community problems.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting Director Jean Field reported that the OCC has set dates to meeting with Assistant Chief Fagan to discuss some OCC cases.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 5:50 p.m.

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 30, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
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OCTOBER 30, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the next Commission meeting on November 6th will be held in the Central Police District at the Jean Parker Elementary School, 840 Broadway Street. He also announced that he will not be in attendance and that Commissioner Chan will chair the meeting.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders reported on a job well done by the Department in handling the peace march where the estimated marchers were over 43,000 and also the handling of the World Series.

Deputy Chief Robinson reported that the Investigations Division have recovered more than $1.5 million in drugs and cash from drug dealers. He also reported that within a few weeks, the Department will be reporting on the 30-60-90 day reorganization plan.

Captain Ashe, Investigations, reported on the arrest of several suspects of assault, burglaries, and rape within the past month.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director Jean Field reported that the OCC are nearing closing of OCC cases and current case now that the Chief and Assistant Chief have been able to meet with them.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:55 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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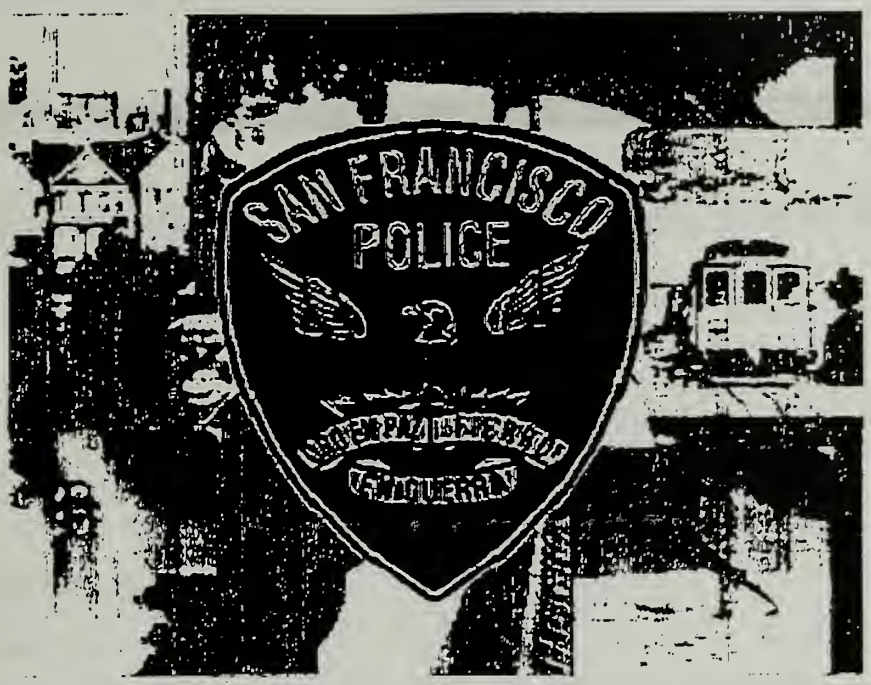

POLICE COMMISSION MEETING

Wednesday
November 6, 2002
6:00 PM

Central Station is hosting the San Francisco Police Commissioners, Chief Sanders, Assistant Chief Fagan and members of the San Francisco Police Department Command Staff at Jean Parker Elementary School, 840 Broadway Street.

The first, of planned Central District monthly community, meetings will be held immediately after the Commission meeting. Representatives from various City Agencies will be in attendance.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 6, 2002
6:00 p.m.

CENTRAL DISTRICT
JEAN PARKER ELEMENTARY SCHOOL
840 Broadway Street
San Francisco

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Roy Michael Ramos (File No. C02-273 JWA)
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant Thomas A. Haymond (File No. C02-364 JWF)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
8. Captain Stephen Tacchini, Commanding Officer of Central Station, to address the Commission on Police Activities in the Central District
9. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**There will be Public Comments on any item before or during discussion of each item.*

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e proceeding will be held at Jean Parker Elementary School, 840 Broadway, San Francisco.
e closest accessible BART _____.
ccessible MUNI lines serving this location are #12 Muni and #83 Pacific #30X (not accessible)

For information about MUNI service call 923 6142.

Accessible parking is available at the following location: _____

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

San Francisco Police Department

15
6/02

The Police Commission of the City and County of San Francisco met in the Central District at the Jean Parker Elementary School, 840 Broadway Street, San Francisco, at 6:15 p.m., in a Regular Meeting.

PRESENT: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

Commissioner Perry introduced herself to the community and thereafter, Commissioners Friday, Quaranta, and Makras introduced themselves.

Deputy Chief Pengel, for Chief Sanders, introduced herself and the command staff: Deputy Chiefs Surh, Bruce, and Robinson; Commanders Harper, Hom, Brown, and Puts.

Chief Pengel informed the Commission of the death of Ms. Shana Pitts and Lt. Frank McDonough and asked that at the closed of the Commission Meeting, that it be done in their honor.

Supervisor Peskin addressed the Commission and the community asking for their support in passing the City proposition that will raise the Supervisors' salaries.

RESOLUTION NO. 62-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ROY MICHAEL RAMOS (FILE NO. C02-273 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Roy Michael Ramos, Star No. 2218, Bayview, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Roy Michael Ramos; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Roy Michael Ramos, and is to be set at a later date.

AYES: Commissioners Perry, Friday, Quaranta, Makras
ABSENT: Commissioner Chan

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ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT THOMAS A. HAYMOND (FILE NO. C02-364 JWF)

Put over to Wednesday, November 13, 2002.

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Makras asked the Command Staff to look into and report on two items: (1) The surplus property in the Bayview (old Potrero Station) and the $700,000 it was to be sold for, and (2) the status of the land that was set aside for a new police station and asked the Chief's office to look into a more innovative, creative way in finding a police station and the construction of it.

Commissioner Makras asked that a report regarding this issue be made before the Commission within 120 days.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Pengel thanked the community for their help in passing the police and fire proposition.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Acting OCC Director Jean Field reported on the functions of the OCC.

CAPTAIN STEPHEN TACCHINI, COMMANDING OFFICER OF CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Captain Tacchini addressed the Commission and the community on the activities occurring in the Central District.

PUBLIC COMMENTS

Ms. K. Lutten read a letter to the Commission regarding police shooting last year at the Metreon Theater where Mr. Idriss Stelley was killed.

Ms. Ernestine Wright asked about the status of the new Central Police Station and requested for more foot patrol.

Unidentified male addressed the Commission on the issue of a job well done during Halloween and requested that the police and the community should work closer next year to prevent the few problems that happened this year.,

Mr. Tony Imperial discussed concerns.

Ms. Crowley, President of the Telegraph Hill Dwellers, thanked members of the Central Station and especially Officer Crisp and Sgt. Colla.

Ms. Hoffman, Northbeach resident, would like to see good press about the good cops instead of the bad cops.

Liz, Telegraph Hill Neighborhood Center, thanked Captain Tacchini for his support and commended the Central Station members for a job well done.

A moment of silence to honor Lt. Frank McDonough and Ms. Shana Pitts. The meeting was then adjourned in their honor.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 13, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CLOSED SESSION

1. Roll Call
2. Public Comments on all matters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing motion for dismissal of disciplinary charges filed against Sergeant John A. Haggett (File No. C01-270 JWF) under Government Code 3304

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 13, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant Thomas A. Haymond (File No. C02-364 JWF)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. Presentation of Certificates of Appreciation to members of the Auxiliary Communications Service of the Mayor's Office of Emergency Services
8. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
9. Discussion and Action re: Traffic Stop Surveys
10. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
11. Hearing and Disposition on the Appeal of the Chief's Suspension of Sergeant John Bragagnolo, Taraval (File No. M-DRA D01-013), Officer Teresa Ewins, Mission (File No. M-DRA D01-014), and Officer Constantine Zachos, Mission (File No. M-DRA D01-015)

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SAN FRANCISCO POLICE COMMISSION
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For information about the meeting call 553 1667(v) or 553 9194 (tty)

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NOVEMBER 13, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing motion for dismissal of disciplinary charges filed against Sergeant John A. Haggett (File No. C01-270 JWF) under Government Code 3304

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

NOVEMBER 13, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCLOSE DISCUSSION IN CLOSED SESSION

Commissioner Chan announced that the Commission had decided to accept the Court Order and dismiss disciplinary charges against Sgt. John Haggett, File no. C01-270 JWF, by a 3 to 2 vote. Commissioner Friday requested a role call vote. AYES: Commissioners Friday, Makras, and Quaranta. NAYS: Commissioners Chan and Perry.

RESOLUTION NO. 63-02

APPROVAL OF MOTION TO DISMISS DISCIPLINARY CHARGES FILED AGAINST SERGEANT JOHN A. HAGGETT, SPECIAL OPERATIONS & SECURITY DIVISION (FILE NO. C01-270 JWF) UNDER GOVERNMENT CODE 3304(d)

WHEREAS, on January 10, 2002, a Notice of Motion and Motion for Dismissal pursuant to Government Code Section 3304(d) was filed on behalf of Sergeant John A. Haggett, Special Operations & Security Division (File No. C01-270 JWF);

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WHEREAS, on October 2, 2002, Judge James J. McBride, Judge of the San Francisco Superior Court, ordered that disciplinary charges filed against Sergeant John A. Haggett be dismissed pursuant to Government Code Section 3304(d); therefore, be it

RESOLVED, that pursuant to the order of the San Francisco Superior Court, the Commission hereby dismisses disciplinary charges filed against Sergeant John A. Haggett, Special Operations & Security Division (File No. C01-270 JWF), pursuant to Government Code 3304(d).

AYES: Commissioners Friday, Quaranta, Makras
NAYS: Commissioners Chan, Perry

RESOLUTION NO. 64-02

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT THOMAS A. HAYMOND (FILE NO. C02-364 JWF)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Sergeant Thomas

A. Haymond, Star No. 366, Central, was called it having been set for this date; and

WHEREAS, Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Thomas A. Haymond; therefore be it

RESOLVED, that Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Thomas A. Haymond, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

The Commission announced that the Commission Meeting scheduled in the Richmond Police District for November 20, 2002, was cancelled until the New Year due to the change of captain this week. The Commission also announced that the meeting scheduled for November 27th will be cancelled, day before Thanksgiving.

Commissioner Friday requested a report in writing regarding the number of Academy classes anticipated within the next two years. He requested th is report be ready within two months.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders gave an overview of Racial Profiling issues within the Police Department.

PRESENTATION OF CERTIFICATES OF APPRECIATION TO MEMBERS OF THE AUXILIARY COMMUNICATIONS SERVICE OF THE MAYOR'S OFFICE OF EMERGENCY SERVICES

Sergeant Mike Flynn, FOB, presented certificates of appreciation to Mr. Bundy Chaanock, Mr. Mike Schweizer, Mr. James Robinson, Mr. David Scardnia, and Mr. Tony Halog for their assistance during September 15th international bike race.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director Donna Medley reported on the training OCC investigators recently attended on racial profiling.

DISCUSSION AND ACTION RE: TRAFFIC STOP SURVEYS

Lieutenant Keohane, Legal, reported on the new department General orders regarding traffic stops and racial profiling.

Captain Lynch, Academy, reported on what has been done on the issue of racial profiling and what will be done in the future under POST standards (Police Officers Standard of Training.)

At 6:30 p.m. the Commission recognized 10 seconds of silence for fallen Officer James Guelff who was killed in 1994. The entire Police Department recognized these 10 seconds by activating their red lights and sirens.

Commander Puts, FOB, explained how the information is gathered (traffic stops) and recorded.

HEARING AND DISPOSITION ON THE APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT JOHN BRAGAGNOLO, TARAVAL (FILE NO. M-DRA D01-013), OFFICER TERESA EWINS, MISSION (FILE NO. M-DRA D01-014), AND OFFICER CONSTANTINE ZACHOS, MISSION (FILE NO. M-DRA D01-015)

Put over to Wednesday, November 20th.

PUBLIC COMMENTS

Mr. Mark Schlosberg, ACLU, spoke on the issue of racial profiling and made four recommendations to correct the problem. Thereafter, 21 citizens spoke on the issue of racial profiling, some of whom requested the Commission to adopt the recommendations of the ACLU.

The Commission took a recess. Commissioner Quaranta excused himself from the rest of the meeting.

The Commission reconvened and the following resolution was adopted:

RESOLUTION NO. 65-02

TRAFFIC STOP SURVEYS

WHEREAS, a motion was made by Commissioner Perry, second by Commissioner Makras, that the Police Department be ordered to make the General Order and Bulletins concerning racial profiling conform to the P.O.S.T. definition of racial profiling; and

WHEREAS, a motion was made by Commissioner Perry, second by Commissioner Makras, that the Police Department research and discuss the issue of consent searches and report to the Commission by January 8, 2003*, whether consent searches should or should not be discontinued; and

WHEREAS, a motion was made by Commissioner Perry, second by Commissioner Makras, that the Police Department make a monthly report to the Commission of the results and compliance of data collection starting January 1, 2003; and

WHEREAS, a motion was made by Commissioner Perry, second by Commissioner Makras that the Police Department monitor the numbers and statistics for a 90-day period and at that time determine whether or not the Commission needs to appoint an independent auditor; therefore, be it

RESOLVED, that the Police Commission hereby approves the above-listed motions.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

**Original date was set in error for December 13, 2002 and was corrected on the following meeting on December 20, 2002. January 8, 2003 was typed in for the actual resolution.*

Thereafter, the meeting was adjourned at 9:05 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 20, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

CLOSED SESSION

1. Roll Call

2. Public Comments on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. William J. Sepatis v. City and County of San Francisco, et al, United States District Court No. C00-1636

   b. Department of Fair Employment and Housing, Alane Baca v. City and County of San Francisco (San Francisco Police Department), Andrew Blackwell, Superior Court Case No. 325-126

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 20, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Request of the Chief of Police for Approval to Apply for retroactively, Accept, and Expend Funds to Implement the "COPS-MORE 2002" Grant Program
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
10. Hearing and Disposition on the Appeal of the Chief's Suspension of Sergeant John Bragagnolo, Taraval (File No. M-DRA D01-013), Officer Teresa Ewins, Mission (File No. M-DRA D01-014), and Officer Constantine Zachos, Mission (File No. M-DRA D01-015)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:
   a. William J. Sepatis v. City and County of San Francisco, et al, United States District Court No. C00-1636
   b. Department of Fair Employment and Housing, Alane Baca v. City and County of San Francisco (San Francisco Police Department), Andrew Blackwell, Superior Court Case No. 325-126

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Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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20/02

NOVEMBER 20, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. William J. Sepatis v. City and County of San Francisco, et al., United States District Court No. C00-1636

b. Department of Fair Employment and Housing, Alane Baca v. City and County of San Francisco (San Francisco Police Department), Andrew Blackwell, Superior Court Case No. 325-126

PRESENT: Commissioners Chan, Friday, Quaranta
ABSENT: Commissioners Perry, Makras

NOVEMBER 20, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCLOSE DISCUSSION IN CLOSED SESSION

Commissioner Makras made a motion not to disclosed action taken in Closed Session. The motion was second by Commissioner Friday. Passed 4-0. Commissioner Perry did not vote on this motion. She was not present during conference with legal counsel.

APPROVAL OF CONSENT CALENDAR

Commissioner Perry made a motion for approval of the Consent Calendar. Motion was second by Commissioner Makras. Approved 5-0.

RESOLUTION NO. 66-02

WILLIAM J. SEPATIS v. CITY AND COUNTY OF SAN FRANCISCO et. al.

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "William J. Sepatis v. City and County of San Francisco et. al.," in United States District Court No. C00-1626, be, and the same is hereby approved.

Date of Incident: April 22, 1999 & May 8, 2000

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 67-02

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING, ALANE BACA v. CITY AND COUNTY OF SAN FRANCISCO (SAN FRANCISCO POLICE DEPARTMENT), ANDREW BLACKWELL

RESOLVED, that the recommendation of the City Attorney for settlement

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of the litigation of "Department of Fair Employment and Housing, Alane Baca v. City and County of San Francisco (San Francisco Police Department), Andrew Blackwell" in Superior court Case No. 325-126, File No. 020680, be, and the same is hereby approved.

Date of Incident: April to June 1999

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that there would not be a Commission meeting for the next two weeks. The next Commission meeting will be on December 11th in the Mission District.

Mr. Mark Schlosberg, ACLU, asked the Commission to clarify the date the Commission set to discuss the issue of Consent Searches. Commissioner Chan stated that the date would be January 8, 2003.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders reported to the Commission the following three issues:

1. The barricaded subject in the Mission District was taken into custody without incident.

2. The first training class on racial profiling, put together in cooperation with the NAACP, POST, Officers for Justice, Police Officers' Association, Department of Justice, African-American Community Relation Board, available first to the Command Staff, will take place Monday, November 25th.

3. He has received only one phone call on his racial profiling hotline regarding racial profiling. The complainant was complaining that he was wrongfully identified on the citation he received as being African-American.

Commissioner Makras asked the Chief if he could add to his report regarding Consent Searches, consent searches to homes, residents, etc.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Acting OCC Director Jean Field informed the Commission that OCC attorney would be participating in the oral interview process for new applicants.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR RETROACTIVELY, ACCEPT, AND EXPEND FUNDS TO IMPLEMENT THE "COPS-MORE 2002" GRANT PROGRAM

Sergeant Dave Collins, Grant Unit, explained the COPS-More Program to the Commission. Commissioner Perry made a motion, second by Commissioner Makras. Passed 5-0.

RESOLUTION NO. 68-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING TO IMPLEMENT THE

"COPS-MORE 2002" GRANT PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the U.S. Department of Justice Office of Community Oriented Policing to implement the "COPS-MORE 2002," including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

Shsnika Reneal wanted to say thanks to the Chief and Inspector Ford for all the good work they have done to help her in her case.

Jim Rourt asked why police officers are permitted to work for City Tow while off-duty. Chief Sanders explained to the citizen the reason and the law.

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT JOHN BRAGAGNOLO, TARAVAL (FILE NO. M-DRA D01-013), OFFICER TERESA EWINS, MISSION (FILE NO. M-DRA D01-014), AND OFFICER CONSTANTINE ZACHOS, MISSION (FILE NO. M-DRA D01-015)

The hearing on the appeal of the Chief's suspension imposed on Sergeant John Bragagnolo, Taraval, Officer Teresa Ewins, Mission, and Officer Constantine Zachos, Mission, was called, it having been set for this date.

Ms. Cynthia Lie, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Sergeant John Bragagnolo appeared in person and was represented by Mr. Mark Nicco, Attorney at Law.

Officer Teresa Ewins appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law.

Officer Constantine Zachos appeared in person and was represented by Mr. James Collins, Attorney at Law.

Closing statements were made by Ms. Lie, Mr. Nicco, Ms. Mahoney, and Mr. Collins.

The Commission took the matter under submission, recessed, and returned and the following resolution was adopted:

RESOLUTION NO. 69-02

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT JOHN BRAGAGNOLO, TARAVAL (FILE NO. M-DRA D01-013), OFFICER TERESA EWINS, MISSION (FILE NO. M-DRA D01-014), AND OFFICER CONSTANTINE ZACHOS, MISSION (FILE NO. M-DRA D01-015)

WHEREAS, a hearing on said appeal were held before Commission Victor Makras pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 13, 2002, Monday, September 16, 2002, and Wednesday, September 18, 2002, and on Wednesday, November 20, 2002, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the Chief's suspension imposed on Sergeant John Bragagnolo, Officer Teresa Ewins, and Officer Constantine

Zachos were not sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that it is the findings and decision of the Police Commission that the Chief's suspension of five (5) days with two (2) days served and three (3) days held in abeyance for two (2) years imposed on Sergeant John Bragagnolo, be, and the same, is hereby not sustained; and

FURTHER RESOLVED, that it is the findings and decision of the Police Commission that the Chief's suspension of ten (10) days with five (5) days served and five (5) days held in abeyance for two (2) years imposed on Officer Teresa Ewins, be, and the same, is hereby not sustained; and

FURTHER RESOLVED, that it is the findings and decision of the Police Commission that the Chief's suspension of ten (10) days with five (5) days served and five (5) days held in abeyance for two (2) years imposed on Officer Constantine Zachos, be, and the same, is hereby not sustained.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

(The entire proceedings were taken in shorthand form by Ms. Dawn Sandner, CSR.)

Thereafter, the meeting was adjourned at 9:10 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
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CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD OBERTI
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesdays, November 27, 2002 and December 4, 2002. The next Police Commission Regular Meeting will be on ***Wednesday, December 11, 2002***, at 6:00 p.m., in the Mission District.

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Mission Station welcomes...

San Francisco Police Commission Meeting

Cesar Chavez Elementary School, 825 Shotwell St.
Wednesday, December 11, 2002 at 6:00pm

This is your opportunity to be a part of your government and participate in creating public safety in your neighborhoods.

Take the time to meet your neighbors, and listen to the innovative ideas being used by Captain Greg Corrales at the Mission Police Station.

We at Mission Police Station are proud to be a part of this community, and are working very hard to continue its success.
We look forward to seeing you there!

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Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 11, 2002
6:00 p.m.

MISSION DISTRICT
CESAR CHAVEZ ELEMENTARY SCHOOL
825 Shotwell Street
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Greg Corrales, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724; FAX (415) 554-5163; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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The proceeding will be held at: Cesar Chavez Elementary School, 825 Shotwell Street

Accessible MUNI lines serving this location is: #14 Mission, #14 Limited, & #43 Quintara
For information about MUNI service call 923 6142

The closest BART Station is: 24th Street & Mission Station

Accessible parking 825 Shotwell Street

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

The Police Commission of the City and County of San Francisco met in the Mission District at the Cesar Chavez Elementary School, 825 Shotwell Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Friday, Quaranta, Makras
ABSENT: Commissioner Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan introduced himself, followed by Commissioners Friday, Quaranta, and Makras.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders introduced himself and then introduced the command staff: Acting Assistant Chief Pengel, Deputy Chief Robinson, Deputy Suhr, Commander Puts, Commander Brown, and Commander Hom.

Commissioner Chan introduced Mr. Greg Lowder of the Mayor's staff and City Attorney Lori Giorgi.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Acting Director Jean Field introduced herself and explained the function of the OCC.

CAPTAIN GREG CORRALES, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Corrales addressed the Commission and the Community regarding the state of Mission District as it relates to police and discussed activities in the district.

PUBLIC COMMENTS

Commissioner Makras asked Captain Corrales to address the homeless problem. Captain Corrales briefly spoke on that issue.

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Alex Fellon, Director of the Columbus Boys and Girls Club on Guerrero, thanked Captain Corrales and the officers of Mission Station for a job well done.

Daniel addressed the Commission regarding off-duty police assault.

Judy Burkowitz thanked Captain Corrales and the officers of Mission Station for doing a fine job.

Ethel Newland, St. John Education Center, thanked Captain Corrales and officers of Mission Station for participating in community activities such as the Easter Egg Hunt and Toy give away programs.

Ismael Tarikh, Bay Area Police Watch, discussed concerns surrounding the alleged off-duty officers involved in the assault.

Mr. Morena thanked Captain Corrales and Deputy Chief Suhr for their assistant in the nigh soccer game, "Patrol for Troublemakers."

Kathy, a long time resident, stated that she feels safe walking down the street at night since Captain Corrales has been assigned to the Mission Station.

Unidentified asked why the media was present tonight and not present at a meeting where youth are doing good things such as guns meltdown.

Joshua Chrisner asked about exchange of officers with New Orleans to learn an teach about crowd control.

Unidentified, employee of Cesar Chavez School, stated the officer who

first came to set up the room for tonight's meeting was rude and discussed concerns regarding Idress Stelley.

Martin discussed concerns regarding arrests and the district attorney's office.

Laurie thanked Captain Corrales for cleaning up Garfield Park of drug users and dealers.

Connie Webber thanked Captain Corrales for a job well done and asked that day laborers move to the east side of Cezar Chavez.

Vivian, 15 & Mission resident, asked that Captain Corrales remain in the Mission Station.

Sergio Conjuria thanked Captain Corrales and stated that the press should report ore on the good job the police are doing.

Monique Morgan, 40-year resident of Mission District, thanked Captain Corrales for a job well done.

Rita Alverra asked for more police in the area of lower 24th Street.

Christina Pascual, resident, thanked the officers and Captain Corrales for working within the rules when dealing with day laborers.

Mike Garza thanked the officers and Captain Corrales for a job well done.

Thereafter, the meeting was adjourned.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

VICTOR MAKRAS
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LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 18, 2002
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

CLOSED SESSION

1. Roll Call
2. Public Comments on all matters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Robert Haaland v. City and County of San Francisco, Superior Court No. 305-552

   b. Richard Huey, et al v. City and County of San Francisco, USDC No. C01-4337

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 18, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Disclosure of Action taken in Closed Session. Discussion and Action on whether to Disclose Discussion in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. "State of the Bureau" Address by Deputy Chief David Robinson
9. Request of the Chief of Police for Approval to Apply for, Accept, and Expend Funds from the California Department of Boating and Waterways to Implement the Boating Safety and Enforcement Equipment Program
10. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
11. Disposition on Disciplinary Charges filed against Officer Thomas Samiere, Airport (File No. C02-346 JWA)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 18, 2002
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept a Donation of a New Explosive Detection Dog from Safeway, Inc.

2. Recommendation of the City Attorney for Settlement of the following claims:

   a. Robert Haaland v. City and County of San Francisco, Superior Court No. 305-552

   b. Richard Huey, et al v. City and County of San Francisco, USDC No. C01-4337

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*There will be Public Comments on any item before or during discussion of each item.

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

DECEMBER 18, 2002 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Robert Haaland v. City and County of San Francisco, Superior Court No. 305-552

b. Richard Huey, et al. v. City and County of San Francisco, USDC No. C01-4337

PRESENT: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioner Chan, Friday

DECEMBER 18, 2002 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:50 p.m., in Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION. DISCUSSION AND ACTION ON WHETHER TO DISCLOSE DISCUSSION IN CLOSED SESSION

Commissioner Perry made a motion not to disclosed or discuss action taken during Closed Session, second by Commissioner Makras. Passed 5-0.

APPROVAL OF CONSENT CALENDAR

Commissioner Quaranta made a motion for approval of the Consent Calendar, second by Commissioner Perry. Approve 5-0.

RESOLUTION NO. 71-02

ROBERT HAALAND v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Robert Haaland v. City and County of San Francisco," in Superior Court No. 305-552, be, and the same is hereby approved.

Date of Incident: January 2, 1999

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

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RESOLUTION NO. 72-02

RICHARD HUEY, et al v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Richard Huey, et al v. City and County of San Francisco," in USDC No. C01-4337, be, and the same is hereby approved.

Date of Incident: November, 1999, through present

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the next Commission meeting will be

on January 8, 2003. Commissioner Perry asked if the department was preparing to report on the issue of consent searches. Assistant Chief Fagan stated that the department would be reporting on the subject at the January 8th Commission meeting.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Sanders introduced Lt. John Bisordi, officer-in-charge of the K-9 Unit. Lt. Bisordi introduced Mr. Alexander Winslow, Director of Public Affairs of Safeway Stores. Safeway had heard that the Police Department was in particular need of explosive detection dogs and arranged for a generous donation of $8,000.00 for the purchase and training of a police dog and donated the dog, Tommy, to the Department. Chief Sanders placed the new police star on Tommy and presented Mr. Winslow with a Certificate of Appreciation.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Jean Field, Acting OCC Director, reported that they had to submit to the controller's office a revised budget with a three percent cut. She also stated that they have been advised that next year's budget must show a reduction of seven percent.

"STATE OF THE BUREAU" ADDRESS BY DEPUTY CHIEF DAVID ROBINSON

Deputy Chief Dave Robinson reported to the Commission on the state of the bureau. Chief Robinson and Captain Chignell introduced three citizens and presented them with certificates of appreciation for their assistance in apprehending three robbery suspects.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS TO IMPLEMENT THE BOATING SAFETY AND ENFORCEMENT EQUIPMENT PROGRAM

Sergeant Danny Lopez, Marine Unit, asked the Commission to accept the $55,000 grant from the California Department of Boating and Waterways for the Police Department's Marine Unit to purchase a replacement patrol boat. Commissioner Makras made a motion to accept the grant. Second by Commissioner Perry. Approved 5-0.

RESOLUTION NO. 73-02

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS TO IMPLEMENT THE BOATING SAFETY AND ENFORCEMENT EQUIPMENT PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the California Department of Boating and Waterways to implement the "Boating Safety and Enforcement Equipment Program," including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

Police Chief Sanders advised the Commission that Commander James Dudley is reassigned to work with Deputy Chief Robinson at Investigations and that Commander Hom is reassigned to work with Deputy Chief Suhr at FOB.

PUBLIC COMMENTS

None

**Commissioner Makras left after public comments.*

HEARING OF OFFICER THOMAS SAMIERE, AIRPORT BUREAU (FILE NO. C02-346 JWA)

The hearing of Police Officer Thomas Samiere, Star No. 4113, Airport Bureau, was called it having been set for this date. Officer Samiere was charged, in a properly verified complaint by Prentice E. Sanders, Chief of Police of San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. David Uthman, Attorney at Law, appeared on behalf of Officer Samiere. Officer Samiere was not present.

Mr. Jerry W. Akins advised the Commission that Officer Samiere is charged with committing lewd acts on a female under the age of 14. Officer Samiere did not appear at the hearing on this matter to contest the truth of the allegations contained in the Charges filed with the Police Commission. Officer Samiere filed a declaration to that effect with the Commission at the hearing on this matter on Monday, November 25, 2002. In his interview with the Antioch Police, Officer Samiere admitted to the factual basis for the charges. In the declaration Officer Samiere submitted, he waived his right to a hearing with an understanding that he would be terminated on the underlying charges in this matter and that his failure to appear for the hearing would constitute an independent ground for his termination.

Chief of Police Prentice E. Sanders recommends that Officer Samiere be terminated forthwith.

The Police Commission unanimously considered the record including the charges which were not contested, and Officer Samiere's declaration put in evidence on November 25, 2002, and the Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 74-02

DECISION - HEARING OF OFFICER THOMAS SAMIERE, AIRPORT BUREAU (FILE NO. C02-346 JWA)

WHEREAS, on August 13, 2002, Prentice E. Sanders, Chief of Police of the San Francisco Police Department, made and served charges against Officer Thomas Samiere, Star No. 4113, as follows:

SPECIFICATION NO. 1:
Engaging in conduct which subverts the order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Thomas Samiere, Star Number 4113, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the

Airport Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On August 7, 2001, the department was informed by the Police Department for the City of Antioch, California, that an arrest warrant was issued by the Contra Costa County Superior Court charging the accused with three counts of violating California Penal Code Section 228(a), which defends felony lewd acts on a child under the age of 14 years;

(4) The accused surrendered to the San Francisco Police Department and was booked on the arrest warrant;

(5) The information in the criminal matter alleges that the accused on at least three separate occasions during 1999 through 2000 committed lewd acts on a female under 14 years of age at the time of the incidents. The language of each of the three counts of the information states as follows:

"On or about 1999 through 2000, at Antioch, in Contra Costa County, the Defendant, Thomas Samiere, did willfully, lewdly, and unlawfully commit a lewd and lascivious act upon and with the body of Jane Doe, a child who was under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the Defendant and the child."

(6) From the preliminary information in the investigation, the accused admitted to some of the acts described in the report of the incident by the victim;

(7) The accused, by engaging in the alleged acts described in the information engaged in conduct of a criminal nature; any reasonable police officer must know that such conduct brings discredit on the department and undermines the good order, efficiency and discipline of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by any officer either within or without the State that tends to undermine the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on Monday, November 25, 2002, Officer Samiere did not appear in person but did appear by counsel, and on Wednesday, December 18, 2002, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on the record, the Commission finds the allegations contained in Specification No. 1 of the disciplinary charges as preferred by Chief of Police Prentice E. Sanders against Officer Samiere are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it ordered:

SPECIFICATION NO. 1 Is sustained

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in

order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

That Officer Thomas Samiere's employment with the San Francisco Police Department is ordered terminated, forthwith.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Makras

(The proceedings were taken in shorthand form by Ms. Jennifer Yang, CSR.)

Thereafter, the meeting was adjourned at 6:55 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD GEETER
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, December 25, 2002 and January 1, 2003. The next Police Commission Regular Meeting will be on ***Wednesday, January 8, 2003***, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

DOCUMENTS DEPT.

DEC 20 2002

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